

# House Study Bill 131

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED SECRETARY OF  
STATE BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act making technical changes to the laws relating to elections  
2 and voter registration, making a penalty applicable, and  
3 including effective date and applicability date provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1288DP 83  
6 sc/nh/14

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1 1 Section 1. Section 2.27, Code 2009, is amended to read as  
1 2 follows:

1 3 2.27 CANVASS OF VOTES FOR GOVERNOR.

1 4 The general assembly shall meet in joint session on the  
1 5 same day the assembly first convenes in January of 1979 and  
1 6 every four years thereafter as soon as both houses have been  
1 7 organized, and canvass the votes cast for governor and  
1 8 lieutenant governor and determine the election. When the  
1 9 canvass is completed, the oath of office shall be administered  
1 10 to the persons ~~or person~~ so declared elected. Upon being  
1 11 inaugurated the governor shall deliver to the joint assembly  
1 12 any message the governor may deem expedient.

1 13 Sec. 2. Section 8A.412, subsection 11, Code 2009, is  
1 14 amended to read as follows:

1 15 11. Professional employees under the supervision of the  
1 16 attorney general, the state public defender, the secretary of  
1 17 state, the auditor of state, the treasurer of state, and the  
1 18 public employment relations board. However, employees of the  
1 19 consumer advocate division of the department of justice, other  
1 20 than the consumer advocate, are subject to the merit system.

1 21 Sec. 3. Section 39A.2, subsection 1, paragraph f, Code  
1 22 2009, is amended to read as follows:

1 23 f. VOTING EQUIPMENT TAMPERING. Intentionally alters or  
1 24 damages any computer software or any physical part of a voting  
1 25 ~~machine equipment~~, automatic tabulating equipment, or any  
1 26 other part of a voting system.

1 27 Sec. 4. Section 43.4, unnumbered paragraph 4, Code 2009,  
1 28 is amended to read as follows:

1 29 Within fourteen days after the date of the caucus the  
1 30 county central committee shall certify to the county  
1 31 commissioner the names of those elected as party committee  
1 32 members and delegates to the county convention. The  
1 33 commissioner shall retain precinct caucus records for  
1 34 twenty=two months. In addition, within fourteen days after  
1 35 the date of the precinct caucus, the chairperson of the county  
2 1 central committee shall deliver to the county commissioner all  
2 2 completed voter registration forms received at the caucus.

2 3 Sec. 5. Section 43.5, Code 2009, is amended to read as  
2 4 follows:

2 5 43.5 APPLICABLE STATUTES.

2 6 The provisions of chapters 39, ~~39A~~, 47, 48A, 49, 50, 51,  
2 7 52, 53, 57, 58, 59, 61, 62, 68A, and 722 shall apply, so far  
2 8 as applicable, to all primary elections, except as hereinafter  
2 9 provided.

2 10 Sec. 6. NEW SECTION. 43.31 FORM OF OFFICIAL BALLOT ==  
2 11 IMPLEMENTATION BY RULE.

2 12 The state commissioner shall adopt rules in accordance with  
2 13 chapter 17A to implement sections 43.27 through 43.30, section  
2 14 43.36, sections 49.30 through 49.41, section 49.57, and any  
2 15 other provision of the law prescribing the form of the  
2 16 official ballot.

2 17 Sec. 7. Section 43.45, subsection 3, Code 2009, is amended  
2 18 by striking the subsection.

2 19 Sec. 8. Section 43.77, subsection 4, Code 2009, is amended  
2 20 to read as follows:

2 21 4. A vacancy has occurred in the office of senator in the  
2 22 Congress of the United States, ~~lieutenant governor~~, secretary  
2 23 of state, auditor of state, treasurer of state, secretary of  
2 24 agriculture, or attorney general, under the circumstances  
2 25 described in section 69.13, less than eighty-nine days before  
2 26 the primary election and not less than eighty-nine days before  
2 27 the general election.

2 28 Sec. 9. Section 44.5, Code 2009, is amended to read as  
2 29 follows:

2 30 44.5 NOTICE OF OBJECTIONS.

2 31 When objections are filed notice shall ~~forthwith~~  
2 32 ~~immediately~~ be given to the ~~affected~~ candidate ~~affected~~  
2 33 ~~thereby~~. ~~The notice shall be addressed to the candidate's~~  
2 34 ~~place of residence as given in the certificate of nomination,~~  
2 35 ~~stating that objections have been made to said the~~  
3 1 ~~certificate, also stating. The notice shall include the time~~  
3 2 ~~and place such of the hearing at which the objections will be~~  
3 3 ~~considered. The hearing shall be held not later than one week~~  
3 4 ~~after the objection is filed.~~

3 5 Sec. 10. Section 45.1, subsections 2, 3, 4, 5, and 6, Code  
3 6 2009, are amended to read as follows:

3 7 2. Nominations for candidates for a representative in the  
3 8 United States house of representatives may be made by  
3 9 nomination petitions signed by not less than the number of  
3 10 eligible electors equal to the number of signatures required  
3 11 in subsection 1 divided by the number of congressional  
3 12 districts. Signers of the petition shall be eligible electors  
3 13 who are residents of the congressional district.

3 14 3. Nominations for candidates for the state senate may be  
3 15 made by nomination petitions signed by not less than one  
3 16 hundred eligible electors who are residents of the senate  
3 17 district.

3 18 4. Nominations for candidates for the state house of  
3 19 representatives may be made by nomination petitions signed by  
3 20 not less than fifty eligible electors who are residents of the  
3 21 representative district.

3 22 5. Nominations for candidates for offices filled by the  
3 23 voters of a whole county may be made by nomination petitions  
3 24 signed by eligible electors who are residents of the county  
3 25 equal in number to at least one percent of the number of  
3 26 registered voters in the county on July 1 in the year  
3 27 preceding the year in which the office will appear on the  
3 28 ballot, or by at least two hundred fifty eligible electors who  
3 29 are residents of the county, whichever is less.

3 30 6. Nominations for candidates for the office of county  
3 31 supervisor elected by the voters of a supervisor district may  
3 32 be made by nomination petitions signed by eligible electors  
3 33 who are residents of the supervisor district equal in number  
3 34 to at least one percent of the number of registered voters in  
3 35 the supervisor district on July 1 in the year preceding the  
4 1 year in which the office will appear on the ballot, or by at  
4 2 least one hundred fifty eligible electors who are residents of  
4 3 the supervisor district, whichever is less.

4 4 Sec. 11. Section 46.22, Code 2009, is amended to read as  
4 5 follows:

4 6 46.22 VOTING.

4 7 Voting at judicial elections shall be by separate paper  
4 8 ballot, or optical scan ballot, ~~or by voting machine~~ in the  
4 9 space provided for public measures. If separate paper ballots  
4 10 are used, the election judges shall offer a ballot to each  
4 11 voter. If optical scan ballots are used, either a separate  
4 12 ballot or a distinct heading may be used to distinguish the  
4 13 judicial ballot. Separate ballot boxes for the general  
4 14 election ballots and the judicial election ballots are not  
4 15 required. The general election ballot and the judicial  
4 16 election ballot may be voted in the same voting booth.

4 17 Sec. 12. Section 47.3, Code 2009, is amended to read as  
4 18 follows:

4 19 47.3 ELECTION EXPENSES.

4 20 1. The costs of conducting a special election called by  
4 21 the governor, general election, and the primary election held  
4 22 prior to the general election shall be paid by the county.

4 23 2. The cost of conducting other elections shall be paid by  
4 24 the political subdivision for which the election is held. The  
4 25 costs shall include, but not be limited to, the printing of  
4 26 the ballots and the election register, publication of notices,  
4 27 printing of declaration of eligibility affidavits,  
4 28 compensation for precinct election boards, canvass materials,  
4 29 and the preparation and installation of voting ~~machines~~

4 30 equipment. The county commissioner of elections shall certify  
4 31 to the county board of supervisors a statement of cost for an  
4 32 election. The cost shall be assessed by the county board of  
4 33 supervisors against the political subdivision for which the  
4 34 election was held.

4 35 3. a. Costs of registration and administrative and  
5 1 clerical costs shall not be charged as a part of the election  
5 2 costs.

5 3 b. ~~If voting machines are automatic tabulating equipment~~  
5 4 is used in any election, the county commissioner of elections  
5 5 shall not charge any political subdivision of the state a  
5 6 rental fee for the use of any ~~voting machines~~ automatic  
5 7 tabulating equipment.

5 8 4. The cost of maintenance of voter registration records  
5 9 and of preparation of election registers and any other voter  
5 10 registration lists required by the commissioner in the  
5 11 discharge of the duties of that office shall be paid by the  
5 12 county. Administrative and clerical costs, incurred by the  
5 13 registrar in discharging the duties of that office shall be  
5 14 paid by the state.

5 15 Sec. 13. Section 47.6, subsection 3, paragraph a, Code  
5 16 2009, is amended to read as follows:

5 17 a. A city council ~~or a~~ county board of supervisors,  
5 18 school district board of directors, or merged area board of  
5 19 directors that has authorized a public measure to be submitted  
5 20 to the voters at a special election held pursuant to section  
5 21 39.2, subsection 4, shall file the full text of the public  
5 22 measure with the commissioner no later than 5:00 p.m. on the  
5 23 forty-sixth day before the election.

5 24 Sec. 14. Section 48A.2, subsection 5, Code 2009, is  
5 25 amended to read as follows:

5 26 5. "Voter registration form" means an application to  
5 27 register to vote which must be completed by or on behalf of  
5 28 any person registering to vote. The voter registration form  
5 29 may also be used to make changes to an existing voter  
5 30 registration record.

5 31 Sec. 15. Section 48A.8, subsection 1, Code 2009, is  
5 32 amended to read as follows:

5 33 1. An eligible elector may ~~register to vote by completing~~  
5 34 ~~a mail request that a voter~~ registration form be mailed to the  
5 35 elector. The completed form may be mailed or delivered by the  
6 1 registrant or the registrant's designee to the commissioner in  
6 2 the county where the person resides. A separate voter  
6 3 registration form shall be signed by each individual  
6 4 registrant.

6 5 Sec. 16. Section 48A.25A, subsection 1, Code 2009, is  
6 6 amended to read as follows:

6 7 1. a. Upon receipt of an application for voter  
6 8 registration ~~by mail, the state registrar of voters~~  
6 9 commissioner of registration shall compare the Iowa driver's  
6 10 license number, the Iowa nonoperator's identification card  
6 11 number, or the last four numerals of the social security  
6 12 number provided by the registrant with the records of the  
6 13 state department of transportation. To be verified, the voter  
6 14 registration record shall contain the same name, date of  
6 15 birth, and Iowa driver's license number or Iowa nonoperator's  
6 16 identification card number or whole or partial social security  
6 17 number as the records of the state department of  
6 18 transportation. If the information cannot be verified, the  
6 19 application shall be rejected recorded and the registrant  
6 20 ~~shall be notified of the reason for the rejection the status~~  
6 21 ~~of the voter's record shall be designated as pending status.~~  
6 22 The commissioner of registration shall notify the applicant  
6 23 that the applicant is required to present identification  
6 24 described in section 48A.8, subsection 2, before voting for  
6 25 the first time in the county. If the information can be  
6 26 verified, a record shall be made of the verification and the  
6 27 application shall be accepted status of the voter's record  
6 28 shall be designated as active status.

6 29 b. This subsection shall not apply to applications  
6 30 received from registrants pursuant to section 48A.7A.

6 31 Sec. 17. Section 48A.26, subsections 1 and 3, Code 2009,  
6 32 are amended to read as follows:

6 33 1. a. Within ~~Except as otherwise provided in paragraph~~  
6 34 "b", within seven working days of receipt of a voter  
6 35 registration form or change of information in a voter  
7 1 registration record the commissioner shall send an  
7 2 acknowledgment to the registrant at the mailing address shown  
7 3 on the registration form. The acknowledgment shall be sent by  
7 4 nonforwardable mail.

7 5 b. For a voter registration form or change of information

~~7 6 in a voter registration record submitted at a precinct caucus,  
7 7 the commissioner shall send an acknowledgment within  
7 8 forty-five days of receipt of the form or change of  
7 9 information.~~

~~7 10 3. If the registration form is missing required  
7 11 information pursuant to section 48A.11, subsection 8, the  
7 12 acknowledgment shall advise the applicant what additional  
7 13 information is required. The commissioner shall enclose a new  
7 14 registration by-mail form for the applicant to use. If the  
7 15 registration form has no address, the commissioner shall make  
7 16 a reasonable effort to determine where the acknowledgment  
7 17 should be sent. ~~If the incomplete application is received  
7 18 during the twelve days before the close of registration for an  
7 19 election, the commissioner shall provide the registrant with  
7 20 an opportunity to complete the form before the close of  
7 21 registration. If the incomplete registration form is received  
7 22 during the period in which registration is closed pursuant to  
7 23 section 48A.9 but by 5:00 p.m. on the Saturday before the  
7 24 election for general and primary elections or by 5:00 p.m. on  
7 25 the Friday before the election for all other elections, the  
7 26 commissioner shall send a notice advising the applicant of  
7 27 election day and in-person absentee registration procedures  
7 28 under section 48A.7A.~~~~

7 29 Sec. 18. Section 48A.27, subsection 4, paragraphs b and c,  
7 30 Code 2009, are amended to read as follows:

7 31 b. If the information provided by the vendor indicates  
7 32 that a registered voter has moved to another address within  
7 33 the county, the commissioner shall change the registration  
7 34 records to show the new residence address, and shall also mail  
7 35 a notice of that action to ~~both the former and new addresses  
8 1 address.~~ The notice shall be sent by forwardable mail, and  
8 2 shall include a postage prepaid preaddressed return form by  
8 3 which the registered voter may verify or correct the address  
8 4 information.

8 5 c. If the information provided by the vendor indicates  
8 6 that a registered voter has moved to an address outside the  
8 7 county, the commissioner shall make the registration record  
8 8 inactive, and shall mail a notice to the registered voter at  
8 9 ~~both the former and new addresses address.~~

8 10 (1) The notice shall be sent by forwardable mail, and  
8 11 shall include a postage paid preaddressed return card on which  
8 12 the registered voter may state the registered voter's current  
8 13 address.

8 14 (2) The notice shall contain a statement in substantially  
8 15 the following form:

~~8 16 "Information received from the United States postal service  
8 17 indicates that you are no longer a resident of, and therefore  
8 18 not eligible to vote in (name of county) County, Iowa. If  
8 19 this information is not correct, and you still live in (name  
8 20 of county) County, please complete and mail the attached  
8 21 postage paid card at least ten days before the primary or  
8 22 general election and at least eleven days before any other  
8 23 election at which you wish to vote. If the information is  
8 24 correct and you have moved, please contact a local official in  
8 25 your new area for assistance in registering there. If you do  
8 26 not mail in the card, you may be required to show  
8 27 identification before being allowed to vote in (name of  
8 28 county) County. If you do not return the card, and you do not  
8 29 vote in an election in (name of county) County, Iowa, on or  
8 30 before (date of second general election following the date of  
8 31 the notice) your name will be removed from the list of voters  
8 32 in that county. ~~To ensure you receive this notice, it is  
8 33 being sent to both your most recent registration address and  
8 34 to your new address as reported by the postal service."~~~~

8 35 Sec. 19. Section 48A.31, Code 2009, is amended to read as  
9 1 follows:

9 2 48A.31 DECEASED PERSONS RECORD.

~~9 3 The state registrar of vital statistics shall transmit or  
9 4 cause to be transmitted to the state registrar of voters, once  
9 5 each calendar quarter, a certified list of all persons  
9 6 seventeen and one-half years of age and older in the state  
9 7 whose deaths have been reported to the bureau of vital records  
9 8 of the Iowa department of public health since the previous  
9 9 list of decedents was certified to the state registrar of  
9 10 voters. The list shall be submitted according to the  
9 11 specifications of the state registrar of voters, ~~who shall  
9 12 determine whether each listed decedent was registered to vote  
9 13 in this state. If the decedent was registered in a county  
9 14 which uses its own data processing facilities for voter  
9 15 registration recordkeeping, the registrar shall notify the  
9 16 commissioner in that county who shall cancel the decedent's~~~~

~~9 17 registration. If the decedent was registered in a county for  
9 18 which voter registration recordkeeping is performed under  
9 19 contract by the registrar, the registrar shall immediately  
9 20 cancel the registration and notify the commissioner of the  
9 21 county in which the decedent was registered to vote of the  
9 22 cancellation. The commissioner shall immediately cancel the  
9 23 registration of any person named on the list of decedents.~~

9 24 Sec. 20. Section 48A.37, subsection 2, Code 2009, is  
9 25 amended to read as follows:

9 26 2. Electronic records shall include a status code  
9 27 designating whether the records are active, inactive,  
9 28 incomplete, pending, or canceled. Inactive records are  
9 29 records of registered voters to whom notices have been sent  
9 30 pursuant to section 48A.28, subsection 3, and who have not  
9 31 returned the card or otherwise responded to the notice, and  
9 32 those records have been designated inactive pursuant to  
9 33 section 48A.29. Inactive records are also records of  
9 34 registered voters to whom notices have been sent pursuant to  
9 35 section 48A.26A and who have not responded to the notice.

10 1 Incomplete records are records missing required information  
10 2 pursuant to section 48A.11, subsection 8. Pending records are  
10 3 records of applicants whose applications have not been  
10 4 verified pursuant to section 48A.25A. Canceled records are  
10 5 records that have been canceled pursuant to section 48A.30.  
10 6 All other records are active records. An inactive record  
10 7 shall be made active when the registered voter requests an  
10 8 absentee ballot, votes at an election, registers again, or  
10 9 reports a change of name, address, telephone number, or  
10 10 political party or organization affiliation. An incomplete  
10 11 record shall be made active when a completed application is  
10 12 received from the applicant and verified pursuant to section  
10 13 48A.25A. A pending record shall be made active upon  
10 14 verification or upon the voter providing identification  
10 15 pursuant to section 48A.8.

10 16 Sec. 21. Section 48A.38, Code 2009, is amended by adding  
10 17 the following new subsection:

10 18 NEW SUBSECTION. 1A. The registrar shall update  
10 19 information on participation in an election no later than  
10 20 sixty days after each election.

10 21 Sec. 22. Section 49.19, Code 2009, is amended to read as  
10 22 follows:

10 23 49.19 UNPAID OFFICIALS, PAPER BALLOTS OPTIONAL FOR CERTAIN  
10 24 CITY ELECTIONS.

10 25 The commissioner may appoint unpaid election precinct  
10 26 officials to election boards, as provided by sections 49.15,  
10 27 49.16, and 49.20, or elect not to use ~~voting machines~~  
10 28 automatic tabulating equipment even though ~~they are~~ it is  
10 29 available, as permitted by section 49.26, or both, for any  
10 30 election held for a city, even if the city has a population of  
10 31 more than three thousand five hundred, if there is no contest  
10 32 for any office on the ballot and no public question is being  
10 33 submitted to the voters at that election.

10 34 Sec. 23. Section 49.25, subsections 1, 2, and 3, Code  
10 35 2009, are amended to read as follows:

11 1 1. ~~In any county or portion of a county for which voting~~  
11 2 ~~machines have been acquired under section 52.2 the~~ The  
11 3 commissioner shall determine pursuant to section 49.26,  
11 4 subsection 2, in advance of ~~each an~~ each election ~~conducted for a~~  
11 5 ~~city of three thousand five hundred or less population, or any~~  
11 6 ~~school district, and individually for each precinct, whether~~  
11 7 ~~voting ballots voted in that election shall be counted by~~  
11 8 ~~machine automatic tabulating equipment or by paper ballot~~  
11 9 ~~precinct election officials. In counties in which~~  
11 10 ~~conventional paper ballots are not used~~ If automatic  
11 11 tabulating equipment will be used, the commissioner shall  
11 12 furnish voting equipment for use by voters with disabilities.

11 13 2. The commissioner shall furnish to each precinct, in  
11 14 advance of each election, ~~voting machines meeting the~~  
11 15 ~~requirements of chapter 52 or voting booths, as the case may~~  
11 16 ~~be,~~ in the following number:

11 17 a. At each regularly scheduled election, at least one for  
11 18 every three hundred fifty voters who voted in the last  
11 19 preceding similar election held in the precinct.

11 20 b. At any special election at which the ballot contains  
11 21 only a single public measure or only candidates for a single  
11 22 office or position, the number determined by the commissioner.

11 23 3. The commissioner shall furnish to each precinct ~~where~~  
11 24 ~~voting is to be by paper ballot or optical scan ballot, rather~~  
11 25 ~~than by voting machine,~~ the necessary ballot boxes, suitably  
11 26 equipped with seals or locks and keys, and voting booths. The  
11 27 voting booths shall ~~be approved by the board of examiners for~~

~~11 28 voting machines and optical scan voting systems and shall~~  
11 29 provide for voting in secrecy. At least one voting booth in  
11 30 each precinct shall be accessible to persons with  
11 31 disabilities. ~~If the lighting in the polling place is~~  
~~11 32 inadequate, the voting booths used in that precinct shall~~  
~~11 33 include lights.~~ Ballot boxes shall be locked or sealed before  
11 34 the polls open and shall remain locked or sealed until the  
11 35 polls are closed, except as provided in section 51.7 or to  
12 1 provide necessary service to a malfunctioning ~~portable vote~~  
~~12 2 tallying device automatic tabulating equipment.~~ If a ballot  
12 3 box is opened prior to the closing of the polls, two precinct  
12 4 election officials not of the same party shall be present and  
12 5 observe the ballot box being opened.

12 6 Sec. 24. Section 49.26, Code 2009, is amended to read as  
12 7 follows:

12 8 49.26 COMMISSIONER TO DECIDE METHOD OF VOTING == COUNTING  
12 9 OF BALLOTS.

12 10 1. In all elections regulated by this chapter, the voting  
12 11 shall be by paper ballots printed and distributed as provided  
12 12 by law, or by voting ~~machines systems~~ meeting the requirements  
12 13 of chapter 52.

12 14 2. ~~a. When voting machines are available for an election~~  
~~12 15 precinct, the The~~ commissioner shall determine in advance of  
12 16 each election conducted for a city of three thousand five  
12 17 hundred or less population or for any school district in which  
~~12 18 voting occurs in that precinct whether voting there shall be~~  
~~12 19 by machine or paper ballot whether the ballots will be counted~~  
~~12 20 by automatic tabulating equipment or by the precinct election~~  
~~12 21 officials.~~ If In making such a determination, the

12 22 commissioner ~~concludes, on the basis of shall consider~~ voter  
12 23 turnout for recent similar elections and factors considered  
12 24 likely to affect voter turnout for the forthcoming election.  
12 25 b. If the commissioner concludes that voting will probably  
12 26 be so light as to make ~~preparation and use of paper counting~~  
~~12 27 of ballots by the precinct elections officials~~ less expensive  
12 28 than preparation and use of ~~a voting machine automatic~~  
~~12 29 tabulating equipment,~~ paper ballots shall be used. The  
~~12 30 commissioner may use ballots and instructions similar to those~~  
~~12 31 used when the ballots are counted by automatic tabulating~~  
~~12 32 equipment.~~

12 33 3. ~~In counties in which automatic tabulating equipment is~~  
~~12 34 available, the commissioner shall determine in advance of each~~  
~~12 35 election whether the ballots will be counted by the automatic~~  
~~13 1 tabulating equipment or by the precinct election officials.~~  
~~13 2 The commissioner may use ballots and instructions similar to~~  
~~13 3 those used when the ballots are counted by automatic~~  
~~13 4 tabulating equipment.~~

13 5 Sec. 25. Section 49.28, subsection 3, Code 2009, is  
13 6 amended by striking the subsection.

13 7 Sec. 26. Section 49.43, Code 2009, is amended to read as  
13 8 follows:

13 9 49.43 CONSTITUTIONAL AMENDMENT OR OTHER PUBLIC MEASURE.

13 10 1. If possible, all public measures and constitutional  
13 11 amendments to be voted upon by an elector shall be included on  
13 12 a single ballot which shall also include all offices to be  
13 13 voted upon. However, if it is necessary, a separate ballot  
13 14 may be used as provided in section 49.30, subsection 1.

~~13 15 In precincts using paper ballots all public measures to be~~  
~~13 16 voted upon by a voter at a given election shall be printed~~  
~~13 17 upon one ballot of some color other than white. In precincts~~  
~~13 18 using voting machines all public measures shall be placed on~~  
~~13 19 the machine.~~

13 20 2. Constitutional amendments and other public measures may  
13 21 be summarized by the commissioner as provided in sections  
13 22 49.44 and 52.25.

13 23 Sec. 27. Section 49.44, unnumbered paragraph 2, Code 2009,  
13 24 is amended by striking the paragraph.

13 25 Sec. 28. Section 49.48, Code 2009, is amended to read as  
13 26 follows:

13 27 49.48 NOTICE FOR JUDICIAL OFFICERS AND CONSTITUTIONAL  
13 28 AMENDMENTS.

13 29 The state commissioner of elections shall prescribe a  
13 30 notice to inform voters of the location on the ballot of the  
13 31 form for retaining or removing judicial officers and for  
13 32 ratifying or defeating proposed constitutional amendments.  
13 33 The notice shall be conspicuously attached to the ~~voting~~  
~~13 34 machine or to the ballot.~~

13 35 Sec. 29. Section 49.53, subsection 1, Code 2009, is  
14 1 amended to read as follows:

14 2 1. The commissioner shall not less than four nor more than  
14 3 twenty days before the day of each election, except those for

14 4 which different publication requirements are prescribed by  
14 5 law, publish notice of the election. The notice shall contain  
14 6 a facsimile of the portion of the ballot containing the first  
14 7 rotation as prescribed by section 49.31, subsection 2, and  
14 8 shall show the names of all candidates or nominees and the  
14 9 office each seeks, and all public questions, to be voted upon  
14 10 at the election. The sample ballot published as a part of the  
14 11 notice may at the discretion of the commissioner be reduced in  
14 12 size relative to the actual ballot but such reduction shall  
14 13 not cause upper case letters appearing in candidates' names or  
14 14 in summaries of public measures on the published sample ballot  
14 15 to be less than ~~ninety percent of the size of such upper case~~  
~~14 16 letters appearing on the actual ballot~~ nine point type. The  
14 17 notice shall also state the date of the election, the hours  
14 18 the polls will be open, the location of each polling place at  
14 19 which voting is to occur in the election, ~~the location of the~~  
~~14 20 polling places designated as early ballot pick-up sites~~, and  
14 21 the names of the precincts voting at each polling place, but  
14 22 the statement need not set forth any fact which is apparent  
14 23 from the portion of the ballot appearing as a part of the same  
14 24 notice. The notice shall include the full text of all public  
14 25 measures to be voted upon at the election.

14 26 Sec. 30. Section 49.56, Code 2009, is amended to read as  
14 27 follows:

14 28 49.56 MAXIMUM COST OF PRINTING.

14 29 The cost of printing the official election ballots and  
14 30 printed supplies ~~for voting machines~~ shall not exceed the  
14 31 usual and customary rates that the printer charges its regular  
14 32 customers.

14 33 Sec. 31. Section 49.57, subsections 5 and 6, Code 2009,  
14 34 are amended to read as follows:

14 35 5. On ballots that will be counted by electronic automatic  
15 1 tabulating equipment, ballots shall include a voting target  
15 2 next to the name of each candidate. The position, shape, and  
15 3 size of the targets shall be appropriate for the equipment to  
15 4 be used in counting the votes. Where paper ballots are used,  
15 5 a square may be printed at the beginning of each line in which  
15 6 the name of a candidate is printed, except as otherwise  
15 7 provided.

15 8 6. A portion of the ballot, ~~which can be shown to the~~  
~~15 9 precinct officials without revealing any of the marks made by~~  
~~15 10 the voter~~, shall include the words "Official ballot", the  
15 11 unique identification number or name assigned by the  
15 12 commissioner to the ballot style, the date of the election,  
15 13 and a facsimile of the signature of the commissioner who has  
15 14 caused the ballot to be printed pursuant to section 49.51.

15 15 Sec. 32. NEW SECTION. 49.57A FORM OF OFFICIAL BALLOT ==  
15 16 IMPLEMENTATION BY RULE.

15 17 The state commissioner shall adopt rules in accordance with  
15 18 chapter 17A to implement sections 49.30 through 49.41, section  
15 19 49.57, and any other provision of the law prescribing the form  
15 20 of the official ballot.

15 21 Sec. 33. Section 49.77, subsection 3, paragraph b, Code  
15 22 2009, is amended to read as follows:

15 23 b. A precinct election official may require of the voter  
15 24 unknown to the official, identification ~~upon which the voter's~~  
~~15 25 signature or mark appears in the form prescribed by the state~~  
~~15 26 commissioner~~. If identification is established to the  
15 27 satisfaction of the precinct election officials, the person  
15 28 may then be allowed to vote.

15 29 Sec. 34. Section 49.84, Code 2009, is amended to read as  
15 30 follows:

15 31 49.84 MARKING AND RETURN OF BALLOT.

15 32 1. a. After receiving the ballot, the voter shall  
15 33 immediately go ~~alone~~ to ~~one of the~~ next available voting  
15 34 ~~booths~~ booth, and without delay mark the ballot. All voters  
15 35 shall vote in booths. ~~No special lines shall be used to~~  
~~16 1 separate voters who state that they wish to vote only a~~  
~~16 2 portion of the ballot.~~

16 3 b. Before leaving the voting booth, the voter ~~shall fold~~  
~~16 4 the ballot or may~~ enclose it ~~the ballot~~ in a secrecy folder to  
16 5 conceal the marks on the ballot. ~~The voter shall deliver the~~  
~~16 6 ballot to one of the precinct election officials. No~~  
~~16 7 identifying mark or symbol shall be endorsed on the back of~~  
~~16 8 the voter's ballot.~~

16 9 c. If the precinct has ~~a portable vote tallying system~~  
~~16 10 which automatic tabulating equipment that~~ will not permit more  
16 11 than one ballot to be inserted at a time, the voter may insert  
16 12 the ballot into the tabulating device; otherwise, the election  
16 13 official shall place the ballot in the ballot box. An  
16 14 identifying mark or symbol shall not be endorsed on the

16 15 voter's ballot.

16 16 2. This section does not prohibit a voter from taking  
16 17 minor children into the voting booth with the voter.  
16 18 Sec. 35. Section 49.90, Code 2009, is amended to read as  
16 19 follows:

16 20 49.90 ASSISTING VOTER.

16 21 Any voter who may declare upon oath that the voter is  
16 22 blind, cannot read the English language, or is, by reason of  
16 23 any physical disability other than intoxication, unable to  
16 24 cast a vote without assistance, shall, upon request, be  
16 25 assisted by the two officers as provided in section 49.89, or  
16 26 alternatively by any other person the voter may select in  
16 27 casting the vote. The officers, or the person selected by the  
16 28 voter, shall cast the vote of the voter requiring assistance,  
16 29 and shall thereafter give no information regarding the vote  
16 30 cast. If any elector because of a disability cannot enter the  
16 31 building where the polling place for the elector's precinct of  
16 32 residence is located, the two officers shall take a paper  
16 33 ballot to the vehicle occupied by the elector with a  
16 34 disability and allow the elector to cast the ballot in the  
16 35 vehicle. ~~If an elector with a disability cannot cast a ballot~~

~~17 1 on a voting machine, the elector shall be allowed to cast a  
17 2 paper ballot, which shall be opened immediately after the  
17 3 closing of the polling place by the two precinct election  
17 4 officials designated under section 49.89, who shall register  
17 5 the votes cast thereon on a voting machine in the polling  
17 6 place before the votes cast there are tallied pursuant to  
17 7 section 50.16. To preserve so far as possible the  
17 8 confidentiality of each ballot of an elector with a  
17 9 disability, the two officers shall proceed substantially in  
17 10 the same manner as provided in section 53.24. In precincts  
17 11 where all voters use paper ballots, those Ballots cast by  
17 12 voters with disabilities shall be deposited in the regular  
17 13 ballot box, or inserted in the tabulating device, and counted  
17 14 in the usual manner.~~

17 15 Sec. 36. Section 49.99, subsection 2, Code 2009, is  
17 16 amended to read as follows:

17 17 2. If a voter writes the name of a person more than once  
17 18 in the proper places on a ballot ~~or on a voting machine~~ for an  
17 19 office to which more than one person is to be elected, all but  
17 20 one of those votes for that person for that office are void  
17 21 and shall not be counted.

17 22 Sec. 37. Section 49.127, Code 2009, is amended to read as  
17 23 follows:

17 24 49.127 COMMISSIONER TO EXAMINE ~~MACHINES~~ EQUIPMENT.

17 25 It shall be the duty of each commissioner to determine that  
17 26 all voting ~~machines are~~ equipment is operational and  
17 27 functioning properly and that all materials necessary for the  
17 28 conduct of the election are in the commissioner's possession  
17 29 and are correct.

17 30 Sec. 38. Section 50.15A, subsection 1, Code 2009, is  
17 31 amended to read as follows:

17 32 1. In order to provide the public with an early source of  
17 33 election results before the official canvass of votes, the  
17 34 state commissioner of elections, in cooperation with the  
17 35 commissioners of elections, shall conduct an unofficial  
18 1 canvass of election results following the closing of the polls  
18 2 on the day of a general election. The unofficial canvass  
18 3 shall report election results for national offices, statewide  
18 4 offices, the office of state representative, the office of  
18 5 state senator, and other offices or public measures at the  
18 6 discretion of the state commissioner of elections. The  
18 7 unofficial canvass shall also report the total number of  
18 8 ballots cast at the general election.

18 9 Sec. 39. Section 50.22, unnumbered paragraph 3, Code 2009,  
18 10 is amended to read as follows:

18 11 If a provisional ballot is rejected, the person casting the  
18 12 ballot shall be notified by the commissioner within ten days  
18 13 of the reason for the rejection, on the form prescribed by the  
18 14 state commissioner pursuant to section 53.25, and the envelope  
18 15 containing the provisional ballot shall be preserved unopened  
18 16 and disposed of in the same manner as spoiled ballots. The  
18 17 provisional ballots which are accepted shall be counted in the  
18 18 manner prescribed by section ~~53.24~~ 53.23, subsection 5. The  
18 19 commissioner shall make public the number of provisional  
18 20 ballots rejected and not counted, at the time of the canvass  
18 21 of the election.

18 22 Sec. 40. Section 50.24, Code 2009, is amended to read as  
18 23 follows:

18 24 50.24 CANVASS BY BOARD OF SUPERVISORS.

18 25 1. The county board of supervisors shall meet to canvass

18 26 the vote on the first Monday or Tuesday after the day of each  
18 27 election to which this chapter is applicable, unless the law  
18 28 authorizing the election specifies another date for the  
18 29 canvass. If that Monday or Tuesday is a public holiday,  
18 30 section 4.1, subsection 34, controls.

18 31 2. Upon convening, the board shall open and canvass the  
18 32 tally lists and shall prepare abstracts stating, ~~in words~~  
~~18 33 written at length,~~ the number of votes cast in the county, or  
18 34 in that portion of the county in which the election was held,  
18 35 for each office and on each question on the ballot for the  
19 1 election. The board shall contact the chairperson of the  
19 2 special precinct board before adjourning and include in the  
19 3 canvass any absentee ballots which were received after the  
19 4 polls closed in accordance with section 53.17 and which were  
19 5 canvassed by the special precinct board after election day.  
19 6 The abstract shall further indicate the name of each person  
19 7 who received votes for each office on the ballot, and the  
19 8 number of votes each person named received for that office,  
19 9 and the number of votes for and against each question  
19 10 submitted to the voters at the election. The votes of all  
19 11 write-in candidates who each received less than ~~two~~ five  
19 12 percent of the votes cast for an office shall be reported  
19 13 collectively under the heading "scattering".

19 14 3. The board shall certify an election canvass summary  
19 15 report prepared by the commissioner. The election canvass  
19 16 summary report shall include the results of the election,  
19 17 including scatterings, overvotes, and undervotes, by precinct  
19 18 for each contest and public measure that appeared on the  
19 19 ballot of the election being canvassed.

19 20 4. The board shall ~~also~~ prepare a certificate showing the  
19 21 total number of people who cast ballots in the election. For  
19 22 general elections and elections held pursuant to section  
19 23 69.14, a copy of the certificate shall be forwarded to the  
19 24 state commissioner.

19 25 5. Any obvious clerical errors in the tally lists from the  
19 26 precincts shall be corrected by the supervisors. Complete  
19 27 records of any changes shall be recorded in the minutes of the  
19 28 canvass.

19 29 Sec. 41. Section 50.30, subsection 1, unnumbered paragraph  
19 30 1, Code 2009, is amended to read as follows:

19 31 The commissioner shall, within ~~ten~~ thirteen days after the  
19 32 election, forward to the state commissioner one of the  
19 33 duplicate abstracts of votes for each of the following  
19 34 offices:

19 35 Sec. 42. NEW SECTION. 50.30A ELECTION CANVASS SUMMARY  
20 1 FORWARDED TO STATE COMMISSIONER.

20 2 The commissioner shall, within thirteen days after each  
20 3 primary and general election, forward to the state  
20 4 commissioner a true and exact copy of the election canvass  
20 5 summary report certified by the county board of canvassers.

20 6 Sec. 43. Section 50.39, Code 2009, is amended to read as  
20 7 follows:

20 8 50.39 ABSTRACT.

20 9 It shall make an abstract stating, ~~in words written at~~  
~~20 10 length,~~ the number of ballots cast for each office, the names  
20 11 of all the persons voted for, for what office, the number of  
20 12 votes each received, and whom it declares to be elected, and  
20 13 if a public question has been submitted to the voters of the  
20 14 state, the number of ballots cast for and against the question  
20 15 and a declaration of the result as determined by the  
20 16 canvassers; which abstract shall be signed by the canvassers  
20 17 in their official capacity and as state canvassers, and have  
20 18 the seal of the state affixed.

20 19 Sec. 44. Section 50.48, subsection 4, paragraphs a and c,  
20 20 Code 2009, are amended to read as follows:

20 21 a. When all members of the recount board have been  
20 22 selected, the board shall undertake and complete the required  
20 23 recount as expeditiously as reasonably possible. The  
20 24 commissioner or the commissioner's designee shall supervise  
20 25 the handling of ballots ~~or voting machine documents~~ to ensure  
20 26 that the ballots ~~and other documents~~ are protected from  
20 27 alteration or damage. The board shall open only the sealed  
20 28 ballot containers from the precincts specified to be recounted  
20 29 in the request or by the recount board. The board shall  
20 30 recount only the ballots which were voted and counted for the  
20 31 office in question, including any disputed ballots returned as  
20 32 required in section 50.5. If ~~an electronic automatic~~  
20 33 tabulating system equipment was used to count the ballots, the  
20 34 recount board may request the commissioner to retabulate the  
20 35 ballots using the electronic automatic tabulating system  
21 1 equipment. The same program used for tabulating the votes on

21 2 election day shall be used at the recount unless the program  
21 3 is believed or known to be flawed. ~~If a voting machine was~~  
~~21 4 used, the paper record required in section 52.7, subsection 2,~~  
~~21 5 shall be the official record used in the recount. However, if~~  
~~21 6 the commissioner believes or knows that the paper records~~  
~~21 7 produced from a machine have been compromised due to damage,~~  
~~21 8 mischief, malfunction, or other cause, the printed ballot~~  
~~21 9 images produced from the internal audit log for that machine~~  
~~21 10 shall be the official record used in the recount.~~

21 11 c. ~~The ballots or voting machine documents shall be~~  
21 12 resealed by the recount board before adjournment and shall be  
21 13 preserved as required by section 50.12. At the conclusion of  
21 14 the recount, the recount board shall make and file with the  
21 15 commissioner a written report of its findings, which shall be  
21 16 signed by at least two members of the recount board. The  
21 17 recount board shall complete the recount and file its report  
21 18 not later than the eighteenth day following the county board's  
21 19 canvass of the election in question.

21 20 Sec. 45. Section 51.15, Code 2009, is amended by striking  
21 21 the section and inserting in lieu thereof the following:

21 22 51.15 APPLICABILITY OF LAW.

21 23 This chapter shall apply to all elections in which the  
21 24 commissioner has determined that paper ballots shall be used  
21 25 and counted by precinct election officials pursuant to section  
21 26 49.26.

21 27 Sec. 46. Section 52.1, subsection 1, Code 2009, is amended  
21 28 to read as follows:

21 29 1. At all elections conducted under chapter 49, and at any  
21 30 other election unless ~~specifically prohibited by the statute~~

~~21 31 authorizing the election the commissioner directs otherwise~~  
~~21 32 pursuant to section 49.26, votes may shall be cast,~~

~~21 33 registered, recorded, and counted by means of either voting~~  
~~21 34 machines or optical scan voting systems, in accordance with~~  
21 35 this chapter.

22 1 Sec. 47. Section 52.1, subsection 2, paragraph g, Code  
22 2 2009, is amended by striking the paragraph.

22 3 Sec. 48. Section 52.3, Code 2009, is amended to read as  
22 4 follows:

22 5 52.3 TERMS OF PURCHASE == TAX LEVY.

22 6 The county board of supervisors, on the adoption and  
22 7 purchase of ~~a voting machine or~~ an optical scan voting system,  
22 8 may issue bonds under section 331.441, subsection 2, paragraph  
22 9 "b", subparagraph (1).

22 10 Sec. 49. Section 52.4, Code 2009, is amended to read as  
22 11 follows:

22 12 52.4 EXAMINERS == TERM == REMOVAL.

22 13 1. The state commissioner of elections shall appoint three  
22 14 members to a board of examiners for voting systems, not more  
22 15 than two of whom shall be from the same political party. The  
22 16 examiners shall hold office for staggered terms of six years,  
22 17 subject to removal at the pleasure of the state commissioner  
22 18 of elections.

22 19 2. At least one of the examiners shall have been trained  
22 20 in computer programming and operations. The other two members  
22 21 shall be directly involved in the administration of elections  
22 22 and shall have experience in the use of ~~voting machines and~~  
22 23 optical scan voting systems.

22 24 Sec. 50. Section 52.5, Code 2009, is amended to read as  
22 25 follows:

22 26 52.5 TESTING AND EXAMINATION OF VOTING EQUIPMENT.

~~22 27 1. A person or corporation owning or being interested in a~~  
~~22 28 voting machine or an optical scan voting system may request~~  
22 29 that the state commissioner call upon the board of examiners  
22 30 to examine and test the ~~machine or~~ system. Within seven days  
22 31 of receiving a request for examination and test, the state  
22 32 commissioner shall notify the board of examiners of the  
22 33 request in writing and set a time and place for the  
22 34 examination and test.

22 35 2. The state commissioner shall formulate, with the advice  
23 1 and assistance of the examiners, and adopt rules governing the  
23 2 testing and examination of any ~~voting machine or~~ optical scan  
23 3 voting system by the board of examiners. The rules shall  
23 4 prescribe the method to be used in determining whether the  
23 5 ~~machine or~~ system is suitable for use within the state and  
23 6 performance standards for voting equipment in use within the  
23 7 state. The rules shall provide that all optical scan voting  
23 8 systems ~~and voting machines~~ approved for use by the examiners  
23 9 after April 9, 2003, shall meet voting systems performance and  
23 10 test standards, as adopted by the federal election commission  
23 11 on April 30, 2002, and as deemed adopted by Pub. L. No.  
23 12 107-252, } 222. The rules shall include standards for

23 13 determining when recertification is necessary following  
23 14 modifications to the equipment or to the programs used in  
23 15 tabulating votes, and a procedure for rescinding certification  
23 16 if a system ~~or machine~~ is found not to comply with performance  
23 17 standards adopted by the state commissioner.

23 18 3. The state commissioner may employ a competent person or  
23 19 persons to assist the examiners in their evaluation of the  
23 20 equipment and to advise the examiners as to the sufficiency of  
23 21 the equipment. Consultant fees shall be paid by the person  
23 22 who requested the certification. Following the examination  
23 23 and testing of the ~~voting machine or optical scan voting~~  
23 24 system, the examiners shall report to the state commissioner  
23 25 describing the testing and examination of the ~~machine or~~  
23 26 system and upon the capacity of the ~~machine or~~ system to  
23 27 register the will of voters, its accuracy and efficiency, and  
23 28 with respect to its mechanical perfections and imperfections.  
23 29 Their report shall be filed in the office of the state  
23 30 commissioner and shall state whether in their opinion the kind  
23 31 of ~~machine or~~ system so examined can be safely used by voters  
23 32 at elections under the conditions prescribed in this chapter.  
23 33 If the report states that the ~~machine or~~ system can be so  
23 34 used, it shall be deemed approved by the examiners, and  
23 35 ~~machines or~~ systems of its kind may be adopted for use at  
24 1 elections as provided in this section. Any form of ~~voting~~  
~~24 2 machine or~~ system not so approved cannot be used at any  
24 3 election.

24 4 4. Before actual use by a county of a particular optical  
24 5 scan voting system which has been approved for use in this  
24 6 state, the state commissioner shall formulate, with the advice  
24 7 and assistance of the examiners, and adopt rules governing the  
24 8 development of vote counting programs and all procedures used  
24 9 in actual counting of votes by means of that system.

24 10 Sec. 51. Section 52.6, Code 2009, is amended to read as  
24 11 follows:

24 12 52.6 COMPENSATION.

24 13 1. Each examiner is entitled to one hundred fifty dollars  
24 14 for compensation and expenses in making ~~such an~~ examination  
24 15 and report ~~under section 52.5~~, to be paid by the person or  
24 16 corporation applying for ~~such the~~ examination. ~~No examiner~~  
~~24 17 shall have any interest whatever in any machine or system~~  
~~24 18 reported upon.~~ ~~However,~~ each examiner shall  
24 19 receive not to exceed fifteen hundred dollars and reasonable  
24 20 expenses in any one year; and all sums collected for such  
24 21 examinations over and above said maximum salaries and expenses  
24 22 shall be turned in to the state treasury.

24 23 2. ~~An examiner shall not have any interest whatever in any~~  
~~24 24 optical scan voting system reported upon.~~

24 25 Sec. 52. Section 52.8, Code 2009, is amended to read as  
24 26 follows:

24 27 52.8 EXPERIMENTAL USE.

24 28 The board of supervisors of any county may provide for the  
24 29 experimental use at an election in one or more districts, of ~~a~~  
~~24 30 voting machine or an~~ optical scan voting system which it might  
24 31 lawfully adopt, without a formal adoption ~~thereof of the~~  
~~24 32 system~~; and its use at such election shall be as valid for all  
24 33 purposes as if it had been lawfully adopted.

24 34 Sec. 53. Section 52.19, Code 2009, is amended to read as  
24 35 follows:

25 1 52.19 INSTRUCTIONS.

25 2 In case any elector after entering the voting ~~machine~~ booth  
25 3 shall ask for further instructions concerning the manner of  
25 4 voting, two precinct election officials of opposite political  
25 5 parties shall give such instructions to the elector; but no  
25 6 precinct election official or other election officer or person  
25 7 assisting an elector shall in any manner request, suggest, or  
25 8 seek to persuade or induce any such elector to vote any  
25 9 particular ticket, or for any particular candidate, or for or  
25 10 against any particular amendment, question, or proposition.  
25 11 After receiving such instructions, ~~such the~~ elector shall vote  
25 12 as in the case of an unassisted voter.

25 13 Sec. 54. Section 52.23, Code 2009, is amended to read as  
25 14 follows:

25 15 52.23 WRITTEN STATEMENTS OF ELECTION ~~-- OTHER PAPERS.~~

25 16 ~~1-~~ After the total vote for each candidate has been  
25 17 ascertained, and before leaving the room or voting place, the  
25 18 precinct election officials shall make and sign the tally list  
25 19 required in section 50.16. One copy of the printed results  
25 20 from each tabulating device shall be signed by all precinct  
25 21 election officials present and shall be attached to the tally  
25 22 list from the precinct. The printed results attached to the  
25 23 tally list shall reflect all votes cast in the precinct.

~~25 24 including overvotes and undervotes, for each candidate and  
25 25 public measure on the ballot.~~

~~25 26 2. The inspection sheets from each machine used in the  
25 27 election and one copy of the printed results from each machine  
25 28 shall be signed by all precinct election officials and, with  
25 29 any paper or papers upon which write-in votes were recorded by  
25 30 voters, shall be securely sealed in an envelope marked with  
25 31 the name and date of the election, the precinct, and the  
25 32 serial numbers of the machines from which the enclosed results  
25 33 were removed. This envelope shall be preserved, unopened, for  
25 34 twenty-two months following elections for federal offices and  
25 35 for six months following elections for all other offices  
26 1 unless a recount is requested pursuant to section 50.48 or an  
26 2 election contest is pending. The envelope shall be destroyed  
26 3 in the same manner as ballots pursuant to section 50.13.  
26 4 Additional copies of the results, if any, shall be delivered  
26 5 to the commissioner with the other supplies from the election  
26 6 pursuant to section 50.17.~~

26 7 Sec. 55. Section 52.24, Code 2009, is amended to read as  
26 8 follows:

26 9 52.24 ~~WHAT STATUTES APPLY -- SEPARATE BALLOTS.~~

~~26 10 All of the provisions of the election law not inconsistent  
26 11 with the provisions of this chapter shall apply with full  
26 12 force to all counties adopting the use of voting machines.~~

26 13 Nothing in this chapter shall be construed as prohibiting the  
26 14 use of a separate ballot for public measures.

26 15 Sec. 56. Section 52.25, Code 2009, is amended to read as  
26 16 follows:

26 17 52.25 SUMMARY OF AMENDMENT OR PUBLIC MEASURE.

26 18 1. The question of a constitutional convention,  
26 19 amendments, and public measures including bond issues may be  
26 20 voted on ~~voting machines and on ballots~~ in the following  
26 21 manner:

26 22 ~~1- a.~~ The entire convention question, amendment, or  
26 23 public measure shall be printed and displayed ~~prominently~~ in  
26 24 at least ~~four places~~ one place within the voting precinct, and  
26 25 inside each voting booth, the printing to be in conformity  
26 26 with the provisions of chapter 49.

26 27 ~~2- b.~~ The question, amendment, or measure, and summaries  
26 28 thereof, shall be printed on the ~~special paper~~ ballots ~~or on~~  
26 29 ~~the inserts used in the voting machines.~~ In no case shall the  
26 30 font size be less than ten point type.

26 31 ~~3- 2.~~ The public measure shall be summarized by the  
26 32 commissioner, except that:

26 33 a. In the case of the question of a constitutional  
26 34 convention, or of an amendment or measure to be voted on in  
26 35 the entire state, the summary shall be worded by the state  
27 1 commissioner of elections as required by section 49.44.

27 2 b. In the case of a public question to be voted on in a  
27 3 political subdivision lying in more than one county, the  
27 4 summary shall be worded by the commissioner responsible under  
27 5 section 47.2 for conducting that election.

27 6 Sec. 57. Section 52.27, Code 2009, is amended to read as  
27 7 follows:

27 8 52.27 COMMISSIONER TO PROVIDE OPTICAL SCAN VOTING  
27 9 EQUIPMENT.

27 10 The commissioner having jurisdiction of any precinct for  
27 11 which the board of supervisors has adopted voting by means of  
27 12 an optical scan voting system shall, as soon as practicable  
27 13 thereafter, provide for use at each election held in the  
27 14 precinct optical scan ballots and ballot marking devices in  
27 15 appropriate numbers. The commissioner shall have custody of  
27 16 all equipment required for use of the optical scan voting  
27 17 system, and shall be responsible for maintaining it in good  
27 18 condition and for storing it between elections. ~~All~~  
27 19 ~~provisions of chapter 49 relative to times and circumstances~~  
27 20 ~~under which voting machines are to be used in any election and~~  
27 21 ~~the number of voting machines to be provided shall also govern~~  
27 22 ~~the use of optical scan voting systems, when applicable.~~

27 23 Sec. 58. Section 52.28, Code 2009, is amended to read as  
27 24 follows:

27 25 52.28 OPTICAL SCAN VOTING SYSTEM BALLOT FORMS.

27 26 The commissioner of each county in which the use of an  
27 27 optical scan voting system in one or more precincts has been  
27 28 authorized shall print optical scan ballots using black ink on  
27 29 white paper and shall determine the arrangement of candidates'  
27 30 names and public questions upon the ballot or ballots used  
27 31 with the system. The ballot information shall be arranged as  
27 32 required by chapters 43 and 49, and by any relevant provisions  
27 33 of any statutes which specify the form of ballots for special  
27 34 elections, so far as possible within the constraints of the

27 35 physical characteristics of the optical scan voting system in  
28 1 use in that county. The state commissioner may adopt rules  
28 2 requiring a reasonable degree of uniformity among counties in  
28 3 arrangement of optical scan voting system ballots.

28 4 Sec. 59. Section 52.29, Code 2009, is amended to read as  
28 5 follows:

28 6 52.29 OPTICAL SCAN VOTING SYSTEM SAMPLE BALLOTS.

28 7 The commissioner shall provide for each precinct where an  
28 8 optical scan voting system is in use at least ~~four~~ one sample  
28 9 optical scan ~~ballots~~ ballot which shall be ~~an exact copies~~  
28 10 copy of the official ballots as printed for that precinct.  
~~28 11 The sample ballots shall be arranged in the form of a diagram~~  
~~28 12 showing the optical scan ballot as it will appear to the voter~~  
~~28 13 in that precinct on election day.~~ The sample ~~ballots~~ ballot  
28 14 shall be posted prominently within the polling place, and  
28 15 shall be open to public inspection during the hours the polls  
28 16 are open on election day. If the ballot used on election day  
~~28 17 has offices or questions appearing on the back of the ballot,~~  
~~28 18 both sides of the sample ballot shall be displayed.~~

28 19 Sec. 60. Section 52.41, Code 2009, is amended to read as  
28 20 follows:

28 21 52.41 ELECTRONIC TRANSMISSION OF ELECTION RESULTS.

28 22 With the advice of the board of examiners for voting  
28 23 ~~machines and electronic voting~~ systems, the state commissioner  
28 24 shall adopt by rule standards for the examination and testing  
28 25 of devices for the electronic transmission of election  
28 26 results. All voting systems which contain devices for the  
28 27 electronic transmission of election results submitted to the  
28 28 examiners for examination and testing after July 1, 2003,  
28 29 shall comply with these standards.

28 30 Sec. 61. Section 53.2, subsections 5, 6, and 7, Code 2009,  
28 31 are amended to read as follows:

28 32 5. An application for a primary election ballot which  
28 33 specifies a party different from that recorded on the  
28 34 registered voter's voter registration record, or if the  
~~28 35 voter's voter registration record does not indicate a party~~  
29 1 affiliation, shall be accepted as a change or declaration of  
29 2 party affiliation. The commissioner shall approve the change  
29 3 or declaration and enter a notation of the change on the  
29 4 registration records at the time the absentee ballot request  
~~29 5 is noted on the voter's registration record.~~ A notice shall  
29 6 be sent with the ballot requested informing the voter that the  
29 7 voter's registration record will be changed to show that the  
29 8 voter is now affiliated with the party whose ballot the voter  
29 9 requested.

29 10 6. If an application for an absentee ballot is received  
29 11 from an eligible elector who is not a registered voter the  
29 12 commissioner shall send the eligible elector a voter  
29 13 registration form under section 48A.8 and an absentee ballot  
~~29 14 to the eligible elector instead of an absentee ballot.~~ If the  
~~29 15 application is received so late that it is unlikely that the~~  
~~29 16 registration form can be returned in time to be effective on~~  
~~29 17 election day, the commissioner shall enclose with the absentee~~  
~~29 18 ballot a notice to that effect, informing the voter of the~~  
~~29 19 registration time limits in section 48A.9.~~ The commissioner  
29 20 shall record on the elector's application that the elector is  
29 21 not currently registered to vote. If the registration form is  
~~29 22 properly returned by the time provided by section 48A.9, the~~  
~~29 23 commissioner shall record on the elector's application the~~  
~~29 24 date of receipt of the registration form and enter a notation~~  
~~29 25 of the registration on the registration records.~~ If the  
~~29 26 application is received after the time registration closes~~  
~~29 27 pursuant to section 48A.9 but by 5:00 p.m. on the Saturday~~  
~~29 28 before the election for general and primary elections or by~~  
~~29 29 5:00 p.m. on the Friday before the election for all other~~  
~~29 30 elections, the commissioner shall notify the applicant of the~~  
~~29 31 election day and in-person absentee registration provisions of~~  
29 32 section 48A.7A.

29 33 7. A registered voter who has not moved from the county in  
29 34 which the elector is registered to vote may submit a change of  
29 35 name, telephone number, or address on the absentee ballot  
30 1 application form prescribed in section 48A.8 when casting  
30 2 requesting an absentee ballot. Upon receipt of a properly  
30 3 completed form, the commissioner shall enter a notation of the  
30 4 change on the registration records.

30 5 Sec. 62. Section 53.8, subsection 1, Code 2009, is amended  
30 6 to read as follows:

30 7 1. Upon receipt of an application for an absentee ballot  
30 8 and immediately after the absentee ballots are printed, the  
30 9 commissioner shall mail an absentee ballot to the applicant  
30 10 within twenty-four hours, except as otherwise provided in

30 11 subsection 3. The absentee ballot shall be enclosed in an  
30 12 unsealed envelope bearing a serial number and affidavit. The  
30 13 absentee ballot and unsealed envelope shall be enclosed in or  
30 14 with a ~~carrier return~~ envelope marked postage paid which bears  
30 15 the same serial number as the unsealed envelope. The absentee  
30 16 ballot, unsealed envelope, and ~~carrier return~~ envelope shall  
30 17 be enclosed in a third envelope to be sent to the registered  
30 18 voter. If the ballot cannot be folded so that all of the  
30 19 votes cast on the ballot will be hidden, the commissioner  
30 20 shall also enclose a secrecy envelope with the absentee  
30 21 ballot.

30 22 Sec. 63. Section 53.8, subsection 2, paragraph a, Code  
30 23 2009, is amended to read as follows:

30 24 a. The commissioner shall enclose with the absentee ballot  
30 25 a statement informing the applicant that the sealed ~~carrier~~  
30 26 ~~return~~ envelope may be mailed to the commissioner by the  
30 27 registered voter or the voter's designee or may be personally  
30 28 delivered to the commissioner's office by the registered voter  
30 29 or the voter's designee. The statement shall also inform the  
30 30 voter that the voter may request that the voter's designee  
30 31 complete a receipt when retrieving the ballot from the voter.  
30 32 A blank receipt shall be enclosed with the absentee ballot.

30 33 Sec. 64. Section 53.17, subsections 1 and 2, Code 2009,  
30 34 are amended to read as follows:

30 35 1. The sealed envelope containing the absentee ballot  
31 1 shall be enclosed in a ~~carrier return~~ envelope which shall be  
31 2 securely sealed. The sealed ~~carrier return~~ envelope shall be  
31 3 returned to the commissioner by one of the following methods:

31 4 a. The sealed ~~carrier return~~ envelope may be delivered by  
31 5 the registered voter, by the voter's designee, or by the  
31 6 special precinct election officials designated pursuant to  
31 7 section 53.22, subsection 1, to the commissioner's office no  
31 8 later than the time the polls are closed on election day.  
31 9 However, if delivered by the voter's designee, the envelope  
31 10 shall be delivered within seventy-two hours of retrieving it  
31 11 from the voter or before the closing of the polls on election  
31 12 day, whichever is earlier.

31 13 b. The sealed ~~carrier return~~ envelope may be mailed to the  
31 14 commissioner by the registered voter or by the voter's  
31 15 designee. If mailed by the voter's designee, the envelope  
31 16 must be mailed within seventy-two hours of retrieving it from  
31 17 the voter or within time to be postmarked not later than the  
31 18 day before the election, whichever is earlier.

31 19 2. In order for the ballot to be counted, the ~~carrier~~  
31 20 ~~return~~ envelope must be received in the commissioner's office  
31 21 before the polls close on election day or be clearly  
31 22 postmarked by an officially authorized postal service not  
31 23 later than the day before the election and received by the  
31 24 commissioner not later than noon on the Monday following the  
31 25 election.

31 26 Sec. 65. Section 53.18, subsections 1 and 2, Code 2009,  
31 27 are amended to read as follows:

31 28 1. When the return ~~carrier~~ envelope containing the  
31 29 completed absentee ballot is received by the commissioner, the  
31 30 commissioner shall at once record receipt of such ballot.  
31 31 Absentee ballots shall be stored in a secure place until they  
31 32 are delivered to the absentee and special voters precinct  
31 33 board.

31 34 2. If the commissioner receives the return ~~carrier~~  
31 35 envelope containing the completed absentee ballot by ~~five 5:00~~  
32 1 p.m. on the Saturday before the election for general and  
32 2 primary elections and by ~~five 5:00~~ p.m. on the Friday before  
32 3 the election for all other elections, the commissioner shall  
32 4 open the envelope to review the affidavit for any  
32 5 deficiencies. If the affidavit contains a deficiency that  
32 6 would cause the ballot to be rejected, the commissioner shall,  
32 7 within twenty-four hours of the time the envelope was  
32 8 received, notify the voter of that fact and that the voter may  
32 9 correct the deficiency by ~~five 5:00~~ p.m. on the day before the  
32 10 election.

32 11 Sec. 66. Section 53.21, subsection 2, paragraph b, Code  
32 12 2009, is amended to read as follows:

32 13 b. The voter shall enclose one copy of the above statement  
32 14 in the return ~~carrier~~ envelope with the affidavit envelope and  
32 15 retain a copy for the voter's records.

32 16 Sec. 67. Section 53.22, subsection 5, paragraph b, Code  
32 17 2009, is amended to read as follows:

32 18 b. Absentee ballots voted under this subsection shall be  
32 19 delivered to the commissioner no later than the time the polls  
32 20 are closed on election day. If the ballot is returned by mail  
32 21 the ~~carrier return~~ envelope must be received by the time the

32 22 polls close, or clearly postmarked by an officially authorized  
32 23 postal service not later than the day before the election and  
32 24 received by the commissioner no later than the time  
32 25 established for the canvass by the board of supervisors for  
32 26 that election.

32 27 Sec. 68. Section 53.25, Code 2009, is amended to read as  
32 28 follows:

32 29 53.25 REJECTING BALLOT.

32 30 1. If the absentee voter's affidavit is found to be  
~~32 31 insufficient lacks the voter's signature, if the applicant is~~  
32 32 not a duly registered voter on election day in such the  
32 33 precinct where the absentee ballot was cast, if the affidavit  
32 34 envelope contains more than one ballot of any one kind, or if  
32 35 the voter has voted in person, such vote shall not be accepted  
~~33 1 or counted rejected by the absentee and special voters~~  
33 2 precinct board. If the affidavit envelope is open, or has  
33 3 been opened and resealed, or if the ballot is not enclosed in  
33 4 the affidavit envelope, and an affidavit envelope with the  
33 5 same serial number and marked "Replacement ballot" is not  
33 6 attached as provided in section 53.18, the vote shall not be  
33 7 accepted or counted rejected by the absentee and special  
33 8 voters precinct board.

33 9 2. If the absentee ballot is rejected prior to the opening  
33 10 of the affidavit envelope, the voter casting the ballot shall  
33 11 be notified by a precinct election official by the time the  
33 12 canvass is completed of the reason for the rejection on a form  
33 13 prescribed by the state commissioner of elections.

33 14 Sec. 69. Section 53.30, Code 2009, is amended to read as  
33 15 follows:

33 16 53.30 BALLOTS, BALLOT ENVELOPES, AND OTHER INFORMATION  
33 17 PRESERVED.

33 18 At the conclusion of each meeting of the absentee and  
33 19 special voter's precinct board, the board shall securely seal  
33 20 all ballots counted by them in the manner prescribed in  
33 21 section 50.12. The ballot envelopes, including the envelope  
33 22 having the registered voter's affidavit on it, the return  
33 23 ~~carrier~~ envelope, and secrecy envelope bearing the signatures  
33 24 of precinct election officials, as required by section 53.23,  
33 25 shall be preserved. All applications for absentee ballots,  
33 26 ballots rejected without being opened, absentee ballot logs,  
33 27 and any other documents pertaining to the absentee ballot  
33 28 process shall be preserved until such time as the documents  
33 29 may be destroyed pursuant to section 50.19.

33 30 Sec. 70. Section 53.40, subsection 1, paragraph c, Code  
33 31 2009, is amended to read as follows:

33 32 c. A request shall show the residence (including street  
33 33 address, if any) of the voter, and the age of the voter, and  
~~33 34 length of residence in the city or township, county and state,~~  
33 35 and shall designate the address to which the ballot is to be  
34 1 sent, and in. In the case of the primary election, the  
34 2 request shall also show the party affiliation of such the  
34 3 voter. Such The request shall be made to the commissioner of  
34 4 the county of the voter's residence, provided that. However,  
34 5 if the request is made by the voter to any elective state,  
34 6 city, or county official, the said official shall forward it  
34 7 to the commissioner of the county of the voter's residence,  
34 8 and such request so forwarded shall have the same force and  
34 9 effect as if made direct directly to the commissioner by the  
34 10 voter.

34 11 Sec. 71. Section 53.53, subsection 4, paragraph b, Code  
34 12 2009, is amended to read as follows:

34 13 b. The voter's application for a regular absentee ballot  
34 14 was received by the commissioner less than fourteen days prior  
34 15 to the election. However, if the voter's application for a  
34 16 regular absentee ballot is not received by the commissioner  
34 17 and if the federal write-in absentee ballot is not prohibited  
34 18 by another provision of this subsection, a federal write-in  
34 19 absentee ballot cast by the voter and received by the  
34 20 commissioner is valid.

34 21 Sec. 72. Section 69.8, subsection 2, Code 2009, is amended  
34 22 to read as follows:

34 23 2. STATE OFFICES. In all state offices, judges of courts  
34 24 of record, officers, trustees, inspectors, and members of all  
34 25 boards or commissions, and all persons filling any position of  
34 26 trust or profit in the state, by the governor, except when  
34 27 some other method is specially provided. An appointment by  
34 28 the governor to fill a vacancy in the office of lieutenant  
34 29 governor shall be for the balance of the unexpired term. An  
34 30 appointment made under this subsection to a state office  
34 31 subject to section 69.13 shall be for the period until the  
34 32 vacancy is filled by election pursuant to law.

34 33 Sec. 73. Section 256.11, subsection 5, paragraph b, Code  
34 34 2009, is amended to read as follows:  
34 35 b. Five units of the social studies including instruction  
35 1 in voting statutes and procedures, voter registration  
35 2 requirements, the use of paper ballots and voting ~~machines~~  
35 3 systems in the election process, and the method of acquiring  
35 4 and casting an absentee ballot. All students shall complete a  
35 5 minimum of one-half unit of United States government and one  
35 6 unit of United States history. The one-half unit of United  
35 7 States government shall include the voting procedure as  
35 8 described in this lettered paragraph and section 280.9A. The  
35 9 government instruction shall also include a study of the  
35 10 Constitution of the United States and the Bill of Rights  
35 11 contained in the Constitution and an assessment of a student's  
35 12 knowledge of the Constitution and the Bill of Rights.

35 13 Sec. 74. Section 260C.15, subsection 1, Code 2009, is  
35 14 amended to read as follows:  
35 15 1. Regular elections held by the merged area for the  
35 16 election of members of the board of directors as required by  
35 17 section 260C.11, ~~for the renewal of the twenty and one-fourth~~  
~~35 18 cents per thousand dollars of assessed valuation levy~~  
~~35 19 authorized in section 260C.22, or for any other matter~~  
35 20 authorized by law and designated for election by the board of  
35 21 directors of the merged area, shall be held on the date of the  
35 22 school election as fixed by section 277.1. However, elections  
35 23 held for the renewal of the twenty and one-fourth cents per  
35 24 thousand dollars of assessed valuation levy authorized in  
35 25 section 260C.22 shall be held either on the date of the school  
35 26 election as fixed by section 277.1 or at a special election  
35 27 held on the second Tuesday in September of the even-numbered  
35 28 year. The election notice shall be made a part of the local  
35 29 school election notice published as provided in section 49.53  
35 30 in each local school district where voting is to occur in the  
35 31 merged area election and the election shall be conducted by  
35 32 the county commissioner of elections pursuant to chapters 39  
35 33 through 53 and section 277.20.

35 34 Sec. 75. Section 260C.22, subsection 1, paragraph a, Code  
35 35 2009, is amended to read as follows:  
36 1 1. a. In addition to the tax authorized under section  
36 2 260C.17, the voters in a merged area may at the regular school  
36 3 election or at a special election held on the second Tuesday  
36 4 in September of the even-numbered year vote a tax not  
36 5 exceeding twenty and one-fourth cents per thousand dollars of  
36 6 assessed value in any one year for a period not to exceed ten  
36 7 years for the purchase of grounds, construction of buildings,  
36 8 payment of debts contracted for the construction of buildings,  
36 9 purchase of buildings and equipment for buildings, and the  
36 10 acquisition of libraries, for the purpose of paying costs of  
36 11 utilities, and for the purpose of maintaining, remodeling,  
36 12 improving, or expanding the community college of the merged  
36 13 area. If the tax levy is approved under this section, the  
36 14 costs of utilities shall be paid from the proceeds of the  
36 15 levy. The tax shall be collected by the county treasurers and  
36 16 remitted to the treasurer of the merged area as provided in  
36 17 section 331.552, subsection 29. The proceeds of the tax shall  
36 18 be deposited in a separate and distinct fund to be known as  
36 19 the voted tax fund, to be paid out upon warrants drawn by the  
36 20 president and secretary of the board of directors of the  
36 21 merged area district for the payment of costs incurred in  
36 22 providing the school facilities for which the tax was voted.

36 23 Sec. 76. Section 275.18, subsection 3, Code 2009, is  
36 24 amended to read as follows:  
36 25 3. The area education agency administrator shall furnish  
36 26 to the commissioner a map of the proposed reorganized area  
36 27 which must be approved by the commissioner as suitable for  
36 28 posting. The map shall be displayed ~~prominently~~ in at least  
36 29 ~~four places~~ one place within the voting precinct, and inside  
36 30 each voting booth, ~~or on the left-hand side inside the curtain~~  
~~36 31 of each voting machine.~~

36 32 Sec. 77. Section 280.9A, subsections 1 and 2, Code 2009,  
36 33 are amended to read as follows:

36 34 1. The board of directors of each local public school  
36 35 district and the authorities in charge of each nonpublic  
37 1 school shall require that all students in grades nine through  
37 2 twelve complete, as a condition of graduation, instruction in  
37 3 American history and the governments of Iowa and the United  
37 4 States, including instruction in voting statutes and  
37 5 procedures, voter registration requirements, the use of paper  
37 6 ballots and voting ~~machines~~ systems in the election process,  
37 7 and the method of acquiring and casting an absentee ballot.

37 8 2. The county auditor, upon request and at a site chosen

37 9 by the county auditor, shall make available to schools within  
37 10 the county voting ~~machines~~ equipment or sample ballots that  
37 11 are generally used within the county, at times when ~~these~~  
~~37 12 machines this equipment~~ or sample ballots are not in use for  
37 13 their recognized purpose.

37 14 Sec. 78. Section 294.8, Code 2009, is amended to read as  
37 15 follows:

37 16 294.8 PENSION SYSTEM.

37 17 ~~Any A~~ school district located in whole or in part within a  
37 18 city having a population of twenty-five thousand one hundred  
37 19 or more may establish a pension and annuity retirement system  
37 20 for the public school teachers of such district ~~provided said~~  
~~37 21 system.~~ However, in cities having a population less than  
37 22 seventy-five thousand, establishment of the system shall be  
37 23 ratified by a vote of the people at a general regular school  
37 24 election.

37 25 Sec. 79. Section 298.9, Code 2009, is amended to read as  
37 26 follows:

37 27 298.9 SPECIAL LEVIES.

37 28 If the voter-approved physical plant and equipment levy,  
37 29 consisting solely of a physical plant and equipment property  
37 30 tax levy, is approved by the voters at ~~the regular school an~~  
37 31 election held on a date specified in section 39.2, subsection  
~~37 32 4, paragraph "c"~~, and certified to the board of supervisors  
37 33 after the regular levy is made, the board shall at its next  
37 34 regular meeting levy the tax and cause it to be entered upon  
37 35 the tax list to be collected as other school taxes. If the  
38 1 certification is filed prior to May 1, the annual levy shall  
38 2 begin with the tax levy of the year of filing. If the  
38 3 certification is filed after May 1 in a year, the levy shall  
38 4 begin with the levy of the fiscal year succeeding the year of  
38 5 the filing of the certification.

38 6 Sec. 80. Section 301.24, Code 2009, is amended to read as  
38 7 follows:

38 8 301.24 PETITION == ELECTION.

38 9 Whenever a petition signed by one hundred eligible electors  
38 10 residing in the school district or a number of eligible  
38 11 electors residing in the school district equal to at least ten  
38 12 percent of the number of voters in the last preceding regular  
38 13 school election, whichever is greater, is filed with the  
38 14 secretary ~~thirty~~ sixty days or more before the regular school  
38 15 election, asking that the question of providing free textbooks  
38 16 for the use of pupils in the school district's attendance  
38 17 centers be submitted to the voters at the next regular school  
38 18 election, the secretary shall cause notice of ~~such the~~  
38 19 proposition to be given in the notice of ~~such the~~ election.

38 20 Sec. 81. Section 331.201, subsection 3, Code 2009, is  
38 21 amended to read as follows:

38 22 3. The office of supervisor is an elective office except  
38 23 that if a vacancy occurs on the board, a successor ~~shall may~~  
38 24 be appointed to the unexpired term as provided in ~~chapter 69~~  
38 25 section 69.14A.

38 26 Sec. 82. Section 331.383, Code 2009, is amended to read as  
38 27 follows:

38 28 331.383 DUTIES AND POWERS RELATING TO ELECTIONS.

38 29 The board shall ensure that the county commissioner of  
38 30 elections conducts primary, general, city, school, and special  
38 31 elections in accordance with applicable state law. The board  
38 32 shall canvass elections in accordance with sections 43.49 to  
38 33 43.51, 43.60 to 43.62, 46.24, 50.13, 50.24 to 50.29, 50.44 to  
38 34 50.47, 260C.39, 275.25, 277.20, 376.1, 376.7, and 376.9. The  
38 35 board shall prepare and deliver a list of persons nominated in  
39 1 accordance with section 43.55, provide for a recount in  
39 2 accordance with section 50.48, provide for election precincts  
39 3 in accordance with sections 49.3, 49.4, 49.6 to 49.8, and  
39 4 49.11, pay election costs as provided in section 47.3,  
39 5 participate in election contests as provided in sections 62.1A  
39 6 and 62.9, and perform other election duties required by state  
39 7 law. The board may authorize additional precinct election  
39 8 officials as provided in section 51.1, provide for the use of  
39 9 ~~a voting machine or an~~ optical scan voting system as provided  
39 10 in sections 52.2, 52.3, and 52.8, and exercise other election  
39 11 powers as provided by state law.

39 12 Sec. 83. Section 331.425, subsection 2, Code 2009, is  
39 13 amended to read as follows:

39 14 2. The election shall be held on the ~~second~~ first Tuesday  
39 15 in March and be conducted by the county commissioner of  
39 16 elections in accordance with the law.

39 17 Sec. 84. Section 331.427, subsection 3, paragraph c, Code  
39 18 2009, is amended to read as follows:

39 19 c. Purchase of voting ~~machines~~ systems and equipment under

39 20 chapter 52.

39 21 Sec. 85. Section 331.441, subsection 2, paragraph b,  
39 22 subparagraph (1), Code 2009, is amended to read as follows:

39 23 (1) ~~Voting machines or an~~ An optical scan voting system.

39 24 Sec. 86. Section 331.502, subsection 17, Code 2009, is  
39 25 amended to read as follows:

39 26 17. Make available to schools, voting ~~machines~~ equipment  
39 27 or sample ballots for instructional purposes as provided in  
39 28 section 280.9A.

39 29 Sec. 87. Section 364.2, subsection 4, paragraph b, Code  
39 30 2009, is amended to read as follows:

39 31 b. Such an ordinance shall not become effective unless  
39 32 approved at an election. The proposal may be submitted by the  
39 33 council on its own motion to the voters at any city election.  
39 34 Upon receipt of a valid petition as defined in section 362.4  
39 35 requesting that a proposal be submitted to the voters, the  
40 1 council shall submit the proposal at the next regular city  
40 2 election or at a special election called for that purpose  
40 3 before the next regular city election. However, the city  
40 4 council may dispense with such election as to the grant,  
40 5 amendment, extension, or renewal of an electric light and  
40 6 power, heating, or gasworks franchise unless there is a valid  
40 7 petition requesting submission of the proposal to the voters,  
40 8 or the party seeking such franchise, grant, amendment,  
40 9 extension, or renewal requests an election. If a majority of  
40 10 those voting approves the proposal, the city may proceed as  
40 11 proposed. The complete text of the ordinance shall be  
40 12 included on the ballot if conventional paper ballots are used.  
40 13 If an optical scan voting system ~~or voting machine~~ is used,  
40 14 the proposal shall be stated on the optical scan ballot ~~and on~~  
~~40 15 the machine~~, and the full text of the ordinance posted for the  
40 16 voters pursuant to section 52.25. All absentee voters shall  
40 17 receive the full text of the ordinance.

40 18 Sec. 88. Section 368.19, subsection 2, Code 2009, is  
40 19 amended to read as follows:

40 20 2. The city shall provide to the commissioner of elections  
40 21 a map of the area to be incorporated, discontinued, annexed,  
40 22 severed, or consolidated, which must be approved by the  
40 23 commissioner as suitable for posting. The map shall be  
40 24 displayed ~~prominently~~ in at least ~~four places~~ one place within  
40 25 the voting precinct, and inside each voting booth, ~~or on the~~  
~~40 26 left-hand side inside the curtain of each voting machine.~~

40 27 Sec. 89. Section 372.13, subsection 2, paragraph b, Code  
40 28 2009, is amended to read as follows:

40 29 b. (1) By a special election held to fill the office for  
40 30 the remaining balance of the unexpired term. If the council  
40 31 opts for a special election or a valid petition is filed under  
40 32 paragraph "a", the special election may be held concurrently  
40 33 with any pending election as provided by section 69.12 if by  
40 34 so doing the vacancy will be filled not more than ninety days  
40 35 after it occurs. Otherwise, a special election to fill the  
41 1 office shall be called by the council at the earliest  
41 2 practicable date. The council shall give the county  
41 3 commissioner at least thirty-two days' written notice of the  
41 4 date chosen for the special election. The council of a city  
41 5 where a primary election may be required shall give the county  
41 6 commissioner at least sixty days' written notice of the date  
41 7 chosen for the special election. A special election held  
41 8 under this subsection is subject to sections 376.4 through  
41 9 376.11, but the dates for actions in relation to the special  
41 10 election shall be calculated with regard to the date for which  
41 11 the special election is called. However, a nomination  
41 12 petition must be filed not less than twenty-five days before  
41 13 the date of the special election and, where a primary election  
41 14 may be required, a nomination petition must be filed not less  
41 15 than ~~fifty-two~~ fifty-three days before the date of the special  
41 16 election.

41 17 (2) If there are concurrent vacancies on the council and  
41 18 the remaining council members do not constitute a quorum of  
41 19 the full membership, a special election shall be called by the  
41 20 county commissioner at the earliest practicable date. The  
41 21 remaining council members shall give notice to the county  
41 22 commissioner of the absence of a quorum. If there are no  
41 23 remaining council members, the city clerk shall give notice to  
41 24 the county commissioner of the absence of a council. If the  
41 25 office of city clerk is vacant, the city attorney shall give  
41 26 notice to the county commissioner of the absence of a clerk  
41 27 and a council. Notice of the need for a special election  
41 28 shall be given under this paragraph by the end of the  
41 29 following business day.

41 30 Sec. 90. Section 373.6, subsection 1, Code 2009, is

41 31 amended to read as follows:

41 32 1. If a proposed charter for consolidation is received not  
41 33 later than ~~sixty~~ seventy-eight days before the next general  
41 34 election, the council of the participating city with the  
41 35 largest population shall, not later than sixty-nine days  
42 1 before the general election, direct the county commissioner of  
42 2 elections to submit to the registered voters of the  
42 3 participating cities at the next general election the question  
42 4 of whether the proposed charter shall be adopted. A summary  
42 5 of the proposed charter shall be published in a newspaper of  
42 6 general circulation in each city participating in the charter  
42 7 commission process at least ten but not more than twenty days  
42 8 before the date of the election. The proposed charter shall  
42 9 be effective in regard to a city only if a majority of the  
42 10 electors of the city voting approves the proposed charter.

42 11 Sec. 91. Section 376.4, Code 2009, is amended to read as  
42 12 follows:

42 13 376.4 CANDIDACY.

42 14 1. a. An eligible elector of a city may become a  
42 15 candidate for an elective city office by filing with the city  
42 16 clerk a valid petition requesting that the elector's name be  
42 17 placed on the ballot for that office. The petition must be  
42 18 filed not more than seventy-one days and not less than  
42 19 forty-seven days before the date of the election, and must be  
42 20 signed by eligible electors equal in number to at least two  
42 21 percent of those who voted to fill the same office at the last  
42 22 regular city election, but not less than ten persons.  
42 23 However, for those cities which may be required to hold a  
42 24 primary election, the petition must be filed not more than  
42 25 eighty-five days and not less than sixty-eight days before the  
42 26 date of the regular city election. ~~A person may sign~~  
~~42 27 nomination petitions for more than one candidate for the same~~  
~~42 28 office, and the signature is not invalid solely because the~~  
~~42 29 person signed nomination petitions for one or more other~~  
~~42 30 candidates for the office.~~ Nomination petitions shall be  
42 31 filed not later than ~~five o'clock~~ 5:00 p.m. on the last day  
42 32 for filing.

42 33 b. The petitioners for an individual seeking election from  
42 34 a ward must be residents of the ward at the time of signing  
42 35 the petition. An individual is not eligible for election from  
43 1 a ward unless the individual is a resident of the ward at the  
43 2 time the individual files the petition and at the time of  
43 3 election.

43 4 2. a. The petition must include space for the signature  
43 5 signatures of the petitioners, a statement of their place of  
43 6 residence, and the date on which they signed the petition. A  
~~43 7 person may sign nomination petitions for more than one~~  
~~43 8 candidate for the same office, and the signature is not~~  
~~43 9 invalid solely because the person signed nomination petitions~~  
~~43 10 for one or more other candidates for the office.~~

43 11 b. The petition must include the affidavit of the  
43 12 individual for whom it is filed, stating the individual's  
43 13 name, the individual's residence, that the individual is a  
43 14 candidate and eligible for the office, and that if elected the  
43 15 individual will qualify for the office. The affidavit shall  
43 16 also state that the candidate is aware that the candidate is  
43 17 disqualified from holding office if the candidate has been  
43 18 convicted of a felony or other infamous crime and the  
43 19 candidate's rights have not been restored by the governor or  
43 20 by the president of the United States.

43 21 3. If the city clerk is not readily available during  
43 22 normal office hours, the city clerk shall designate other  
43 23 employees or officials of the city who are ordinarily  
43 24 available to accept nomination papers under this section. On  
43 25 the final date for filing nomination papers the office of the  
43 26 city clerk shall remain open until ~~five~~ 5:00 p.m.

43 27 4. The city clerk shall review each petition and affidavit  
~~43 28 of candidacy for completeness following the standards in~~  
~~43 29 section 45.5 and shall accept the petition for filing if on~~  
43 30 its face it appears to have the requisite number of signatures  
43 31 and if it is timely filed. The city clerk shall note upon  
43 32 each petition and affidavit accepted for filing the date and  
43 33 time that they were filed. The clerk shall return any  
~~43 34 rejected nomination papers to the person on whose behalf the~~  
~~43 35 nomination papers were filed.~~

44 1 5. Nomination papers filed with the city clerk shall be  
~~44 2 available for public inspection.~~ The city clerk shall deliver  
44 3 all nomination ~~petitions papers~~ together with the text of any  
44 4 public measure being submitted by the city council to the  
44 5 electorate to the county commissioner of elections not later  
44 6 than ~~five o'clock~~ 5:00 p.m. on the day following the last day

44 7 on which nomination petitions can be filed.  
44 8 6. Any person on whose behalf nomination petitions have  
44 9 been filed under this section may withdraw as a candidate by  
44 10 filing a signed statement to that effect as prescribed in  
44 11 section 44.9. Objections to the legal sufficiency of  
44 12 petitions shall be filed in accordance with the provisions of  
44 13 sections 44.4, 44.5, and 44.8.

44 14 Sec. 92. Section 384.12, subsection 20, paragraphs a and  
44 15 b, Code 2009, are amended to read as follows:

44 16 a. The election may be held as specified in this  
44 17 subsection if notice is given by the city council, not later  
44 18 than thirty-two days before the ~~second~~ first Tuesday in March,  
44 19 to the county commissioner of elections that the election is  
44 20 to be held.

44 21 b. An election under this subsection shall be held on the  
44 22 ~~second~~ first Tuesday in March and be conducted by the county  
44 23 commissioner of elections in accordance with the law.

44 24 Sec. 93. Section 468.511, subsections 2 and 3, Code 2009,  
44 25 are amended to read as follows:

44 26 2. For the purpose of this subchapter, applications for  
44 27 ballots shall be made on blanks substantially in the following  
44 28 form:

44 29 Application for ballot to be voted at the .....  
44 30 (Name of District) District Election on ..... (Date)  
44 31 State of ..... )  
44 32 ..... County ) ss.  
44 33 I, ..... (Applicant), do solemnly swear that I am a  
44 34 landowner in the ..... (Name of District) District and that I  
44 35 am a duly qualified voter entitled to vote in said election,  
45 1 and that on account of ..... (business, illness, residence  
~~45 2 outside of the county, etc.) I cannot be at the polls on~~  
~~45 3 election day, and I hereby make application for an official~~  
45 4 ballot or ballots to be voted by me at such election, and that  
45 5 I will return said ballot or ballots to the officer issuing  
45 6 same before the day of said election.

45 7 Signed .....  
45 8 Date .....  
45 9 Residence (street number if any) .....  
45 10 City ..... State .....

45 11 Subscribed and sworn to before me this ... day of .....  
45 12 (month), ... (year)

45 13 3. For the purpose of this subchapter, the affidavit on  
45 14 the reverse side of the envelopes used for enclosing the  
45 15 marked ballots shall be substantially as follows:

45 16 State of ..... )  
45 17 ..... County ) ss.  
45 18 I, ..... (Applicant), do solemnly swear that I am a  
45 19 landowner in the ..... (Name of District) District and that I  
45 20 am a duly qualified voter to vote in the election of trustees  
45 21 of said district ~~and that I shall be prevented from attending~~  
~~45 22 the polls on the day of election because of .....~~

~~45 23 (business, illness, residence outside of the county, etc.) and~~  
45 24 that I have marked the enclosed ballot in secret.

45 25 Signed .....  
45 26 Subscribed and sworn to before me this ... day of .....  
45 27 (month), ... (year), and that I hereby certify that the  
45 28 affiant exhibited the enclosed ballot to me unmarked; that the  
45 29 affiant then in my presence and in the presence of no other  
45 30 person and in such manner that I could not see the affiant's  
45 31 vote, marked such ballot, enclosed and sealed the same in this  
45 32 envelope; and that the affiant was not solicited or advertised  
45 33 by me for or against any candidate or measure.

45 34 .....  
45 35 .....  
46 1 (Official Title)

46 2 Sec. 94. Sections 43.26, 48A.40, 49.35, 49.42A, 50.2,  
46 3 52.7, 52.9, 52.10, 52.17, 52.18, 52.20, and 53.24, Code 2009,  
46 4 are repealed.

46 5 Sec. 95. EFFECTIVE AND APPLICABILITY DATES.

46 6 1. The section of this Act amending section 48A.27, being  
46 7 deemed of immediate importance, takes effect upon enactment  
46 8 and applies to notices mailed on or after the effective date.

46 9 2. The section of this Act amending section 298.9, being  
46 10 deemed of immediate importance, takes effect upon enactment.

46 11 EXPLANATION

46 12 This bill makes technical and corrective changes to the law  
46 13 relating to elections and voter registration.

46 14 Code sections 2.27, 43.77, and 69.8 are amended to reflect  
46 15 the 1988 amendment to the Constitution of the State of Iowa  
46 16 requiring that the governor and lieutenant governor be elected  
46 17 jointly and to specify that a vacancy in the office of

46 18 lieutenant governor is to be filled by appointment by the  
46 19 governor and the appointment is for the balance of the  
46 20 unexpired term.

46 21 Code section 8A.412 is amended to add professional  
46 22 employees under the supervision of the secretary of state to  
46 23 the list of employees exempt from the merit system.  
46 24 Code section 43.4 is amended to require that the county  
46 25 commissioner of elections (county auditor) retain caucus  
46 26 records for 22 months. The Code section is further amended to  
46 27 require the chairperson of the county central committee,  
46 28 within 14 days after the date of the precinct caucus, to  
46 29 deliver to the county commissioner all completed voter  
46 30 registration forms received at the caucus. Current law  
46 31 provides that it is election misconduct in the third degree, a  
46 32 serious misdemeanor, if a party committee member neglects to  
46 33 perform a statutory duty relating to a precinct caucus. A  
46 34 serious misdemeanor is punishable by confinement for no more  
46 35 than one year and a fine of at least \$315 but not more than

47 1 \$1,875.

47 2 Code section 43.5 is amended to add Code chapter 39A,  
47 3 relating to election misconduct, to the list of Code chapters  
47 4 applicable to primary elections.

47 5 Code sections 43.26 and 49.42A, which illustrate the format  
47 6 of the official primary and general election ballots, are  
47 7 repealed. New Code sections 43.31 and 49.57A are enacted to  
47 8 require the state commissioner of elections to adopt  
47 9 administrative rules implementing ballot format and printing  
47 10 requirements.

47 11 Code section 44.5 is amended to provide that a hearing on  
47 12 an objection to a nomination shall be held not later than one  
47 13 week after the objection is filed.

47 14 Code section 45.1 is amended to specify signers of  
47 15 nomination petitions for elective offices are required to be  
47 16 eligible electors who reside in the applicable county or  
47 17 district.

47 18 Code section 47.6 is amended to require that the text of a  
47 19 public measure to be submitted at election to the voters of a  
47 20 school district or merged area must be submitted to the county  
47 21 commissioner of elections no later than 5:00 p.m. on the 46th  
47 22 day before the election.

47 23 Code section 48A.2 is amended to specify that the voter  
47 24 registration form may be used to make changes in an existing  
47 25 registration record in addition to being an application to  
47 26 register to vote.

47 27 Code section 48A.6 is amended to clarify that a person is  
47 28 not an eligible elector for voting purposes if the person has  
47 29 been adjudged mentally incompetent to vote.

47 30 Code section 48A.8, relating to registering to vote by  
47 31 mail, removes the reference to "mail registration form". The  
47 32 same voter registration form is used whether or not a person  
47 33 is registering by mail or in person.

47 34 Code section 48A.25A is amended to comply with the federal  
47 35 Help America Vote Act requirement that identification numbers  
48 1 on all voter registration applications, not just those  
48 2 received by mail, be verified. The section is further amended  
48 3 to provide that if the identification information cannot be  
48 4 verified, the registration will be recorded as pending, and  
48 5 the voter will be notified that the voter must present  
48 6 identification before voting for the first time in the county.  
48 7 These requirements do not apply to election day registrants or  
48 8 in-person absentee registrants.

48 9 Code section 48A.26 is amended to provide that the  
48 10 commissioner of registration (county auditor) shall send an  
48 11 acknowledgment of receipt of voter registration or a change of  
48 12 information in a voter registration record within 45 days of  
48 13 receipt of the form or change of information if the form or  
48 14 change of information was submitted at a precinct caucus.

48 15 Code section 48A.26 is also amended to provide that if an  
48 16 incomplete registration form is received by the commissioner  
48 17 after registration closes but by 5:00 p.m. on the Saturday  
48 18 before the election for primary and general elections or by  
48 19 5:00 p.m. on the Friday before the election for all other  
48 20 elections, the commissioner shall notify the applicant of  
48 21 election day and in-person absentee registration procedures.

48 22 Code section 48A.27 is amended to require the commissioner  
48 23 to send an acknowledgment of change of address information  
48 24 received from the United States postal service to the new  
48 25 address only. Current law requires that the acknowledgment be  
48 26 sent to the former and new addresses. This section of the  
48 27 bill takes effect upon enactment and applies to notices mailed  
48 28 on or after the effective date.

48 29 Code section 48A.31, relating to purging the names of  
48 30 deceased persons from voter registration lists, is amended to  
48 31 delete language referring to the process that was in place  
48 32 prior to implementation of the statewide voter registration  
48 33 system maintained by the secretary of state.

48 34 Code section 48A.37, relating to electronic voter  
48 35 registration records, is amended to define "incomplete  
49 1 records" as those registration records missing information  
49 2 required to be included on the voter registration form. The  
49 3 section is further amended to provide that an incomplete  
49 4 record shall be made an active record when a completed form is  
49 5 provided and the information verified.

49 6 Code section 48A.38 is amended to require the state  
49 7 registrar of voters to update voter participation information  
49 8 no later than 60 days after each election.

49 9 Code section 48A.40, relating to voter registration reports  
49 10 required to be filed with the state registrar by the county  
49 11 commissioner of registration, is repealed because the reports  
49 12 are no longer necessary due to implementation of the statewide  
49 13 voter registration system maintained by the secretary of  
49 14 state.

49 15 Code section 49.25 is amended to eliminate the requirement  
49 16 that voting booths be approved by the board of examiners for  
49 17 voting systems. Code sections 49.25 and 49.26 are amended to  
49 18 remove duplicate language referring to those elections at  
49 19 which the commissioner may determine whether ballots will be  
49 20 counted by hand by election precinct officials or by automatic  
49 21 tabulating equipment.

49 22 Code section 49.43 is amended to remove the requirement  
49 23 that ballots containing public measures shall be printed on  
49 24 other than white paper in those precincts using hand-counted  
49 25 paper ballots.

49 26 Code section 49.53 is amended to provide that the minimum  
49 27 font size for published ballots shall be nine point type,  
49 28 rather than the current 90 percent of font size.

49 29 Code sections 49.57, 49.84, and 50.48 are amended to make  
49 30 reference to the statutorily defined term "automatic  
49 31 tabulating equipment" rather than electronic tabulating  
49 32 equipment or vote tallying system.

49 33 Code section 49.57 is also amended to remove the  
49 34 requirement that the words "Official ballot" be printed on the  
49 35 ballot in such a way as would allow them to be shown to an  
50 1 election official without revealing any of the marks made by  
50 2 the voter.

50 3 Code section 49.77 is amended to provide that the state  
50 4 commissioner of elections (secretary of state) shall prescribe  
50 5 the types of identification that can be presented by a voter  
50 6 when the voter is unknown to the precinct election official.

50 7 Code section 50.15A is amended to require the state  
50 8 commissioner to report in the unofficial canvass the total  
50 9 number of ballots cast at the general election.

50 10 Code section 50.24 is amended to require the county board  
50 11 of canvassers (board of supervisors), when canvassing the vote  
50 12 after an election, to also certify the election canvass  
50 13 summary report prepared by the county commissioner of  
50 14 elections. Code section 50.30 is amended and new Code section  
50 15 50.30A is enacted to require the commissioner to forward the  
50 16 abstracts of votes and summary report to the state  
50 17 commissioner of elections within 13 days after each primary  
50 18 and general election.

50 19 Code sections 50.24 and 50.39 are amended to strike the  
50 20 requirement that the abstract of votes state its required  
50 21 information in words "written at length".

50 22 Code section 51.15, relating to double counting boards, is  
50 23 amended to specify that the chapter applies to elections in  
50 24 which paper ballots are to be counted by hand by the precinct  
50 25 election officials.

50 26 Code section 52.23 is amended to require that a copy of the  
50 27 printed results from each automatic tabulating device be  
50 28 signed by precinct election officials and attached to the  
50 29 precinct tally list and that the printed results shall reflect  
50 30 all the votes cast in the precinct.

50 31 Code section 52.25 is amended to provide that the entire  
50 32 text of a public measure, including measures related to the  
50 33 Iowa constitution, shall be displayed in at least one place,  
50 34 rather than the current four places, within the voting  
50 35 precinct. Code section 52.25 is also amended to refer to  
51 1 ballots generally rather than to special paper ballots.

51 2 Code sections 52.25 and 275.18 are amended, and Code  
51 3 sections 49.35, 52.10, and 52.18 are repealed, to eliminate  
51 4 references to lever voting machines, which are no longer used

51 5 in Iowa.

51 6 Code section 52.28 is amended to clarify that optical scan  
51 7 ballots shall be printed using black ink on white paper.

51 8 Code section 52.29 is amended to conform to current law  
51 9 regarding the requirement that one sample ballot be posted in  
51 10 each precinct. The section is also amended to provide that if  
51 11 an office or public measure is printed on the back of the  
51 12 ballot, both sides shall be displayed.

51 13 Code section 53.2 is amended to provide that the party  
51 14 affiliation of a voter requesting an absentee ballot will be  
51 15 changed at the time the request is recorded on the  
51 16 registration record if the ballot requested is for a party  
51 17 other than the voter's current party affiliation or  
51 18 declaration. The Code section is further amended to provide  
51 19 that if an absentee ballot request is received from a person  
51 20 who is not registered to vote, the commissioner shall send a  
51 21 voter registration form to the person, rather than sending  
51 22 both a registration form and an absentee ballot. The Code  
51 23 section is further amended to provide that if the absentee  
51 24 ballot request of a person not registered to vote is received  
51 25 after registration closes but by 5:00 p.m. on the Saturday  
51 26 before the election for primary and general elections or by  
51 27 5:00 p.m. on the Friday before the election for all other  
51 28 elections, the commissioner shall notify the person of  
51 29 election day and in-person absentee registration procedures.

51 30 Finally, Code section 53.2 is amended to provide that a change  
51 31 of name, telephone number, or address on an absentee ballot  
51 32 application of a voter who has moved within the county shall  
51 33 be used to update the voter's registration record.

51 34 Code sections 53.8, 53.17, 53.18, 53.21, 53.22, and 53.30  
51 35 are amended to conform to the current use of return envelope  
52 1 to refer to the return postage envelopes containing an  
52 2 absentee ballot.

52 3 Code section 53.25 is amended to specify that an  
52 4 insufficient absentee ballot affidavit is one that lacks the  
52 5 voter's signature. The section is also amended to conform  
52 6 statutory language on rejecting absentee ballots.

52 7 Code section 53.40, relating to an absentee ballot request  
52 8 from a person in the armed forces, is amended to strike the  
52 9 requirement that the request include information on the length  
52 10 of residency in the city or township, county, and state  
52 11 because the federal application form does not include a space  
52 12 for that information.

52 13 Code section 53.53 is amended to conform to a federal court  
52 14 ruling that if the absentee ballot application of an overseas  
52 15 or military voter is not received by the commissioner, a  
52 16 federal absentee ballot cast by the voter and received by the  
52 17 commissioner is valid.

52 18 Code sections 260C.15 and 260C.22 are amended to allow  
52 19 community colleges to submit the question of imposing or  
52 20 renewing the facilities property tax levy at the regular  
52 21 school election in September of the odd-numbered year or at a  
52 22 special election held on the second Tuesday in September of  
52 23 the even-numbered year.

52 24 Code sections 275.18 and 368.19 are amended to provide that  
52 25 a map of a proposed school district reorganization or proposed  
52 26 city annexation, respectively, shall be posted in one place,  
52 27 rather than the current four, within the precinct.

52 28 Code section 294.8 is amended to provide that certain  
52 29 elections held on school pension systems shall be held at the  
52 30 regular school election rather than the general election.

52 31 Code section 298.9 is amended to specify that the portion  
52 32 of the physical plant and equipment levy that is required to  
52 33 receive approval of the voters may be submitted at a special  
52 34 election rather than only at the regular school election.

52 35 This section of the bill takes effect upon enactment.

53 1 Code section 301.24 changes the deadline for submitting a  
53 2 petition requesting that the proposition to distribute free  
53 3 textbooks in a school district be placed on the regular school  
53 4 election ballot. The current deadline of 30 days before the  
53 5 election is changed to 60 days before the election.

53 6 Code section 331.201, relating to a vacancy in the office  
53 7 of county supervisor, is amended to specifically refer to Code  
53 8 section 69.14A, rather than generally to Code chapter 69.

53 9 Code section 331.425, relating to a county special levy  
53 10 election, is amended to provide that the election shall be  
53 11 held on the first Tuesday in March, rather than the second  
53 12 Tuesday in March.

53 13 Code section 372.13, relating to special elections to fill  
53 14 a city council vacancy, is amended to change the filing  
53 15 deadline for nomination petitions in cities with a primary

53 16 election from 52 days before the election to 53 days before  
53 17 the election in order to avoid the deadline falling on a  
53 18 Saturday.

53 19 Code section 373.6, relating to metropolitan consolidation  
53 20 charters, is amended to change the filing deadline for  
53 21 submission of the charter at a general election to no later  
53 22 than 69 days before the election, which is the same as the  
53 23 filing deadline for offices to be filled at the general  
53 24 election.

53 25 Code section 376.4 is amended to clarify the process of  
53 26 city clerks accepting and reviewing candidate nomination  
53 27 papers filed for city office.

53 28 Code section 384.12, relating to a city special levy  
53 29 election, is amended to provide that the election shall be  
53 30 held on the first Tuesday in March, rather than the second  
53 31 Tuesday in March.

53 32 Code section 468.511, relating to drainage district trustee  
53 33 elections, is amended to remove language requiring an absentee  
53 34 voter to specify the reason that the voter is voting absentee.

53 35 The following Code sections are amended to remove  
54 1 references and requirements relating specifically to voting  
54 2 machines (i.e., direct recording electronic devices), which  
54 3 are no longer allowed for use in Iowa: 39A.2, 43.45, 46.22,  
54 4 47.3, 49.19, 49.25, 49.26, 49.28, 49.43, 49.44, 49.48, 49.56,  
54 5 49.90, 49.99, 49.127, 50.22, 50.48, 51.15, 52.1, 52.3 through  
54 6 52.6, 52.8, 52.19, 52.23, 52.24, 52.25, 52.27, 52.41, 256.11,  
54 7 280.9A, 331.383, 331.427, 331.441, 331.502, and 364.2.

54 8 The following Code sections relating to voting machines,  
54 9 are repealed: 50.2, 52.7, 52.9, 52.17, 52.18, 52.20, and  
54 10 53.24.

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54 12 sc/nh/14.1